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ABSTRACT

This reference booklet defines legislative terms. It was written to help school board members communicate more effectively and knowledgeably with agencies of the federal government. It is not intended to be a comprehensive or "academic" glossary, since such a publication would be encumbered by all of the detailed technical language associated with lawmaking. Rather, the focus is on the essential terminology of the legislative process, and to a lesser extent, that of the executive function. Definitions are phrased in terms used by congressmen, and as spelled out in the Constitution. (Author/RM)

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A Glossary of Legislative Terms

National School Boards Association

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Foreword

This booklet has been prepared as a useful addition to the services provided by the National School Boards Association for the benefit of all school board members. Its purpose is to help you communicate more effectively and knowledgeably with the many agencies of the federal government.

The glossary was assembled by NSBA's Office of Federal Relations under the direction of Associate Executive Director August W. Steinhilber, who also serves NSBA as Legal Counsel. The Office of Federal Relations consists of eight professional personnel who, together, are experienced in every aspect of federal relations. Gwen Gregory serves as Deputy Legal Counsel, and Assistant Executive Director Michael A. Resnick heads up the Legislative Section.

This is not intended to be a comprehensive or "academic" glossary, since such a publication would be encumbered by all of the detailed technical language associated with lawmaking. Rather, the focus is on the essential terminology of the legislative process and, to a lesser extent, that of the executive function. Definitions are phrased in terms used by congressmen, and as spelled out in the Constitution. We believe you will find this glossary a valuable reference book--and even entertaining.

Thomas A. Shannon
Executive Director

A Glossary of Legislative Terms

ACT, LAW, STATUTE A legislative measure that has been passed by both houses of Congress and has been signed by the President, passed over his veto or allowed to become effective without his signature, i.e., a valid enactment. Although we have used "act," "law" and "statute" as virtual synonyms in this glossary, statute may also be defined as a formal written expression of the legislative will, thus distinguishing it from both unwritten (customary) law and common (court made) law. *See also* Law; Resolutions.

ADJOURNMENT SINE DIE Literally, "adjournment without a day." Adjournment without naming a day for reconvening. Usually refers to the end of a session of Congress. Adjournment at the end of the second session terminates that Congress. Strictly speaking, Congress as such does not adjourn; the separate houses do so. If the two disagree as to the time of adjournment *sine die*, the President may adjourn them, but this power has never been used. Adjournment *sine die* is a fiction, ordinarily, since the opening date of the next session is agreed upon by the leadership and is part of the motions to adjourn. *See also* Congress and Session.

ADJOURNMENT TO A DAY CERTAIN Adjournment under a motion or resolution that establishes the next time of meeting, and which has the effect of ending the legislative day, *q.v.* When Congress is in session, the House of Representatives usually adjourns each day, until the next day or over the weekend. The Senate often extends its legislative day over several calendar days, thus sparing itself some time-consuming matters of routine business and ceremonial. In contrast, a recess does not end the legislative day. Neither house may adjourn for more than three days without the consent of the other. *See also* Morning Hour; Recess.

ADMINISTRATION BILL (1) A legislative proposal transmitted in draft form by a Cabinet member, the head of an independent agency or the President to the House and Senate for introduction, usually by the chairpersons of the appropriate standing committees. The Constitution states that the President shall from time to time recommend to Congress "consideration of such measures as he shall judge necessary and expedient." (2) A bill, *q.v.*, submitted by a leading member of the President's party and understood to have the strong support and approval of the Administration. Within recent years, many important measures have originated within the Executive Branch rather than in Congress; an indication, to many observers, that the Legislative Branch is losing the initiative in the process of lawmaking.

ADMINISTRATIVE LAW (1) That part of public law which regulates the conduct of public agencies and governs the rights of individuals in their dealings with those agencies, including the legal remedies available to secure and protect these rights. (2) The body of law created by administrative agencies in the form of regulations, administrative orders and administrative rulings and interpretations. *See also* Administrative Orders; Regulations.

ADMINISTRATIVE ORDERS Interpretations issued by an administrative agency to amplify and make more specific the provisions of the statutes administered by that agency. In contrast with regulations, *q.v.*, adminstrative orders are relatively narrow and relate to specific problems or issues. The duty to issue such orders may be part of the authorizing statutes. Properly issued, administrative orders have the full force of law.

ADMINISTRATIVE PROCEDURE ACT The law, enacted in 1946, requires all proposed as well as final administrative rulemaking by executive agencies to be made public. It calls for timely publication of all orders and regulations established by federal agencies; notice in the *Federal Register, q.v.*, of every proposed rule together with hearing dates and places, laws involved and the text of the proposed rule; stated procedures for hearings; and provisions for judicial review. The courts may compel agency action where it has been withheld unlawfully or unreasonably delayed. USC Title 5, Sec. 551 et seq., primarily. *See also* Regulations.

ADVANCE FUNDING The appropriation of funds for use in a fiscal year one or more years later than the year in which the appropriation was enacted, in order to allow the recipients additional time for program planning. With the exception of Impact Aid, most important education programs are advance funded, so that their funding levels are not released by the Treasury to state and local recipients until July 1 of the year following the appropriations year. In other words, the funding level in the fiscal 1981 appropriations bill would not affect schools until the 1981-82 school year, even though the 1981 fiscal year began on October 1, 1980. Advance funding may be distinguished from "forward funding," which allows federal agencies to obligate (commit or spend) funds in the current fiscal year for programs that are to operate in subsequent years.

ALLOCATION Under certain federal grant-in-aid programs, the process of dividing appropriated funds equitably among the states (or other jurisdictions) in accordance with specified formulas based on such criteria as population, per capita income or the relative prevalence of the problem meant to be solved. Also, the process of further distribution of state allotments among the ultimate recipients, such as school districts.

In many programs, each state is awarded a base amount plus additional funds alloted by formula. Receipt of funds may depend on the submission of an acceptable state plan detailing the further distribution of funds according to stated priorities. If a state or other unit fails to apply or does not qualify, its presumed share may be distributed among the others. Both the state and federal levels may be allowed to retain a percentage of the appropriated funds for administration, and sometimes for discretionary awards not governed by the general formula. Less frequently, state administrative funding is the subject of a separate appropriation, rather than a percentage. *See also* Local Entitlement.

AMENDMENT (1) Subsequent legislation to alter, add to or repeal all or part of an existing law. An amendment in this sense is introduced as a bill, acted upon in the usual way and signed by the President, as a public law. The revisions called for in an amendment may range from technical or editorial changes to sweeping alterations in basic policy. The law affected may then be printed as a compilation, *q.v.*, to incorporate such revisions in a readable, complete statute.

(2) An amendment to a bill is language offered by a member, in committee or on the floor, to alter the effect of a proposed measure by changing or deleting matter, or to add provisions that may or may not be relevant. Amendments may be introduced at several points, and amendments themselves are subject to amendment. The work of a lobbyist, *q.v.*, often involves the preparation of amendments and arrangements for their submission. *See also* Germaneness; Rules Committee.

AMENDMENTS TO THE CONSTITUTION Article V sets out two methods for the proposal of amendments and two methods for their ratification. Because these can be combined, there are *four* routes to the amendment of the Constitution of the United States.

(1) An amendment may be proposed by Congress through a joint resolution, *q.v.*, accepted by two-thirds of the members of both houses and ratified (approved) by three-fourths of the state legislatures (38). Such a resolution does *not* require the signature of the President. Twenty-five of our 26 amendments to date have followed this course, including the Bill of Rights and two now pending (Equal Rights Amendment and District of Columbia representation). Congress, not the Constitution itself, sets time limits for state ratification. Although a state legislature that has rejected an amendment may later ratify it, it has been held that ratification, once given, may not be recalled.

(2) An amendment may be proposed by a two-thirds vote in each house of Congress and then be ratified by conventions in three-fourths of the states. The Twenty-first Amendment (repeal of the Eighteenth Amendment, prohibition, in 1933) was the only one adopted in this way.

(3) An amendment may be proposed by a national convention, called by Congress at the request of two-thirds of the state legislatures (34), and subsequently ratified by three-fourths of the state legislatures. No such convention has been held.

(4) Finally, an amendment may be proposed by a national convention, called by Congress at the request of two-thirds of the state legislatures, and ratified by conventions in three-fourths of the states. The Constitution itself was meant to be accepted in a manner similar to this. Although national conventions have been proposed on many topics, including a balanced

budget, abortion, school prayer and tax reform, both legal scholars and practical politicians are wary of the convention approach. There is little precedent for the management of such a body, and there is no certainty that a convention, once under way, could be restrained from a wholesale assault on the Constitution as we know it.

AMICUS CURIAE Literally, "friend of the court." A person or organization not a party to an action who, by the court's permission or at its request, assists the court on points of law or brings to its attention information or opinion that would not be developed by counsel for the parties. In the higher courts, the usual practice is for the *amici curiae* to file special briefs. Not required to be impartial, these briefs supplement and enlarge upon the arguments offered by one of the parties. Briefs submitted by the United States Attorney General in the federal courts review the law and may state an Administration position on the issue.

APPEAL A senator may challenge a ruling by the presiding officer by appealing to the members to override the ruling by a majority vote. In the House, a ruling by the Speaker is final, with the exception that the Speaker's referral of a bill to committee may be appealed.

APPORTIONMENT The Constitution provides that Congress shall apportion membership in the House of Representatives according to a decennial census, with each state to have at least one representative. Following the Apportionment Act of 1941, the process has been almost automatic, requiring only the review of Congress. Apportionment has been readjusted in every decade since 1870, except after the census of 1920. In 1929, the total number of representatives was fixed by law at 435, with the result that growth in one group of states means a loss of numerical representation for others.

If the contested results of the 1980 census survive challenges in the courts, 17 seats in the House will shift from the "frost belt" to the "sun belt." The states to gain representation are: Arizona, 1; California, 2; Colorado, 1; Florida, 4; Nevada, 1; New Mexico, 1; Oregon, 1; Tennessee, 1; Texas, 3; Utah, 1; and Washington, 1. Losses in seats by state would be: Illinois, 2; Indiana, 1; Massachusetts, 1; Michigan, 1; Missouri, 1; New Jersey, 1; New York, 5; Ohio, 2; Pennsylvania, 2; and South Dakota, 1. If the pending District of Columbia representation amendment is ratified, and precedent is followed, the District delegate's seat in the House will become that of an extra member, but only until the next reapportionment.

When a state has only one representative, his election is necessarily "at large." In states with more than one representative, each must represent a separate district and at large representation is not allowed. After reapportionment, each state must redistrict internally according to its own election laws. Within each state, districts must be substantially equal in population. Currently, the typical district in any but the smaller states has a population of somewhat less than one-half million. *See also* Congress, Composition of House and Senate; Congressional Districts; Gerrymander.

APPROPRIATION An act of Congress that permits agencies to incur obligations and make payments out of the federal Treasury for specified purposes, but not necessarily in the amounts indicated by their authorizing legislation. Appropriations are characterized by their period of availability (one-year, multiple-year, no-year); the timing of Congressional action (temporary or permanent); and the way in which amounts are indicated (definite or indefinite).

While appropriations bills are almost always introduced in the House, they are referred to committee, debated, amended and voted on by both houses. The Constitution specifies that all revenue (tax) measures must be initiated in the House; in practice, this rule has been extended to include spending measures as well. General appropriations are supposed to be enacted prior to the fiscal year to which they apply. In actuality, this may fail to happen and a continuing resolution, *q.v.*, must be passed to keep the affected agencies in operation. *See also* Authorization; Budget entries; Supplemental Appropriation.

AUTHORIZATION An act approving a project, program or activity, outlining its purposes and procedures, assigning authority for its administration and, usually, fixing maximum amounts to be expended upon it. Authorizing legislation may establish appropriations ceilings for specific fiscal year or, less frequently today, it may call for "such sums as Congress may deem necessary." Authorization is the first step in the expenditure of funds, and appropriation is the next, but both are limited by congressional budget action. *See also* Appropriation; Congressional Budget and Impoundment Control Act of 1974; Full Funding.

BICAMERAL LEGISLATURE A legislature made up of two houses or chambers, e.g., the Senate and the House of Representatives, which must concur in the passage of legislation. This structure, which was arrived at as one of the pivotal compromises in the drafting of the Constitution, has been followed by all of the states, with the exception of Nebraska, which has had a unicameral (one-house) legislature since 1934. *See also* Congress, Composition of House and Senate, Separation of Powers.

BILL The draft of a proposed law from the time of its introduction in either house, through all of the various stages in both houses, until its approval by the President or passage over his veto, when it becomes a law. Most proposals in Congress take the form of bills. Public bills deal with matters of national importance and are intended to create general law. Private bills *q.v.*, seek relief for individuals with regard to immigration and naturalization, claims against the United States, etc. In the 96th Congress, 3,266 Senate bills and 8,456 House bills were introduced, 613 of which eventually became public laws. *Compare* Concurrent Resolutions; Joint Resolutions.

BILL DRAFTING A legislative proposal must be expressed in concise terms to carry out the intent of its sponsors, avoid conflict with existing laws and guard against annulment in the courts. Since 1918, each house has had an Office of Legislative Counsel prepared to offer technical assistance to the members. Many organizations interested in legislative developments employ expert draftsmen to prepare specialized language for bills and amendments to be submitted by members. Thus, bill drafting may be part of the work of a lobbyist, *q.v.*

BILL NUMBERING Bills are numbered in each house in the order of their introduction, from the beginning of each two-year Congress, and bear the designation of the house in which they originated, e.g., S. 50, H.R. 1176. Pending bills lapse at the end of the Congress. If they are re-introduced, they are numbered as new bills and enter the process from the beginning. When a bill is passed by one house and submitted to the other, it retains its number and is reprinted with a notation to the effect that it "is in" the House or Senate. *See also* Clean Bill.

BILL OF RIGHTS The first ten amendments to the federal Constitution, proposed by Congress to secure ratification. Conventions in some states had objected to the absence of a statement of fundamental rights and privileges in the original document. First interpreted as restraints on the federal government alone, the amendments making up the Bill of Rights have been extended by the courts to the states. *See also* Amendments to the Constitution: Separation of Powers.

BLOCK GRANT A grant of money from one level of government to another that allows complete or at least fairly wide discretion on the part of the recipient, whose use of the funds would be limited, in the most generous case, by nothing more than its own organic act or charter. *Compare* Categorical Programs; Revenue Sharing.

BUDGET A balanced estimate of expenditures and revenues for a stated fiscal period, for the purpose of effectuating an orderly financial policy. Traditionally, the preparation of the budget is one of the primary responsibilities of the executive branch under a representative form of government.

BUDGET AUTHORITY Authority provided by Congress, usually in the form of an appropriation, which allows federal agencies to incur obligations to spend or lend money. While most such authority is voted upon each year, some becomes available automatically under permanent laws, e.g., the interest on the public debt, which the Department of the Treasury must pay. Budget authority comprises (1) new obligational authority; (2) loan authority; and (3) contract authority, which requires an appropriation or receipts to liquidate obligations.

BUDGET COMMITTEES Standing (permanent) committees of the House and Senate, established under the Congressional Budget and Impoundment Control Act, *q.v.* The House Budget Committee of 23 members must include five from the Committee on Ways and Means, five from the Committee on Appropriations, and one each from the majority and minority leaderships. The 15 member Senate Budget Committee has no such specific qualifications. The function of the committees is to prepare concurrent resolutions setting up provisional and, later, final revenue floors and spending ceilings in broad functional categories. If these are not observed in the appropriation process, the committees can force authorizing committees to rewrite their dollar authorizations by demanding reconciliation, *q.v.*, a power first wielded in fiscal 1981 budget. In effect,

the budget resolutions serve as a Congressional budget, as against the Administration's budget. The budget committees are staffed by a joint Congressional budget office.

BUDGET OF THE UNITED STATES GOVERNMENT This document, issued annually with a detailed appendix and several special analyses, presents and explains the Administration's budget for the coming fiscal year. It serves as the basis for various appropriations bills that will be reported by the House Committee on Appropriations. Until recently, this was *the* budget, but now it is being upstaged by the "congressional budget" created by the House and Senate budget committees. Since 1921, the President has been charged by law with the preparation of the budget. The process is for department (Cabinet) heads and the chiefs of independent agencies to submit detailed estimates to the Office of Management and Budget, which conforms their figures to the general policy of the Administration and submits the compiled estimates to the President for his approval. The publication of the budget follows upon the President's budget message to Congress in the opening days of each session.

The recent Congressional Budget and Impoundment Control Act, *q.v.*, requires the President's budget to show estimates for total new authority and outlays; functional allocations of budget authority and outlays; the projected budget deficit or surplus; the recommended level of revenue and any changes; and the appropriate level of the public debt and any changes in the public debt limit. The President's budget must also present agency missions and basic programs in terms of national needs and priorities. Despite its title, the Administration's budget is essentially a request for legislative action, and its revenue and expenditure figures may differ substantially from Congressional projections and the amounts eventually appropriated.

BY REQUEST If a member of either house introduces a measure at the suggestion of some person or organization, but does not wish to identify himself with it as an active supporter, he may add the words "by request" after his name as sponsor. As a courtesy to the President, Administration bills may be introduced "by request" by the chairpersons of the appropriate committees, without regard to party alignments or personal views.

CALENDAR A list of bills, resolutions and other items, in the order of their presentation for action by committees of either house, which serves as an agenda or order of business. In the Senate, all legislative matters go on the Calendar of Bills and Resolutions, while all treaties, nominations and the like are referred to the Executive Calendar, *q.v.* The House uses five calendars: the Consent, Discharge, House, Private and Union Calendars, *q.v.*

CATEGORICAL PROGRAMS Grant-in-aid programs designed to deal with specific problems, implement narrowly defined policies and priorities, or benefit certain classes of recipients. All present-day federal programs in education, including Impact Aid, are regarded as categorical. Several hundred categorical programs exist, each with its own guidelines, regulations, reports, rules of eligibility and entrenched bureaucracy. *Compare* Block Grants; Revenue Sharing.

CAUCUS *See* Party Caucus.

CERTIORARI Literally, "to be more certain." A writ issued by a higher court with appellate jurisdiction, directing a lower court to forward the record of a case subject to appeal. Most cases before the United States Supreme Court begin with a petition for certiorari. Review is granted if four Justices agree that the case is one that should be considered by the Court.

CHAIR The presiding officer in either house of Congress; hence the expression, "ruling of the chair." *See also* President Pro Tempore; Speaker of the House.

CHECKS AND BALANCES *See* Separation of Powers.

CLEAN BILL If a congressional committee proposes extensive amendments to a bill under its consideration, or the measure is a complex one, it may order a "clean bill" printed and reported. The original bill--which may have been mangled beyond recognition in the markup--is put aside and the clean bill appears under a new number.

CLERK OF THE HOUSE Chief adminstrative officer of the House (not a member), with duties similar to those of the Secretary of the Senate. He is a continuing officer whose duties do not terminate upon adjournment *sine die* at the end of a two-year Congress, and presides at the opening

of the newly-convened House until a Speaker is elected. He attests bills, resolutions and subpoenas, is custodian of the Seal, prepares the roll of members-elect, supervises House personnel and generally takes care of the House-keeping.

CLOSED RULE A "special rule" or order of the Rules Committee of the House, *q.v.*, which, if adopted by a majority of the members of the House, may specify the time for debate on a bill, bar or limit amendments on the floor, or limit the points of order that may be raised. It may, for instance, limit amendments to those made by members of the reporting committee, restrict amendments to certain provisions, or prohibit them altogether. Special rules are employed when a bill is "brought up" out of calendar order. *Compare* Open Rule.

CLOTURE A parliamentary device for halting debate and bringing an issue to a vote, used in the Senate to end filibusters, *q.v.* A vote to invoke cloture must be taken within two days after a petition has been submitted by 16 senators. If three-fifths of the entire membership (60 if there are no vacancies) votes for cloture, each senator will be allowed up to one hour for debate on the pending bill; then the measure must be brought to a final vote. Successful cloture is rare (between 1917 and 1976, only 28 out of 108 attempts were carried). In the House, termination of debate may be accomplished by a motion to vote on the previous question, *q.v.*, the usual way of bringing a bill to a vote in that chamber.

CODE OF FEDERAL REGULATIONS A codification of the general and permanent rules and regulations published by the Executive Branch in the *Federal Register*. The *Code* (cited CFR) is made up of 50 titles covering broad areas of regulation, further subdivided into chapters and parts. Users may subscribe to the entire set or to selected titles (Public Welfare, which includes education, is Title 45). Volumes are kept up to date with frequent supplements and revisions. For certainty, the CFR should be consulted together with the *Federal Register* for recent material.

COMMITTEE Where most legislative work is done. A designated body of either house, with the power to examine and report on pending legislation, or conduct investigations and studies as directed by the parent body (actually, by the leadership). Types include standing committees, joint committees and select or special committees, *q.v.* Conference committees, *q.v.*, have the duty of reconciling differences between House and Senate versions of bills. Most standing (permanent) committees are divided into subcommittees appointed by their chairmen, which conduct hearings as directed and make recommendations. Only full committees, however, may report legislation to the floor. *See also* Committee Membership; Committee Report; Conference Committee; Hearings; Standing Committees.

COMMITTEE MEMBERSHIP Both membership and rank on standing committees are largely determined by the seniority rule, *q.v.*, and the chairman, usually, is the majority member with the longest continuous service on the committee. The election of committee members takes place at the opening of each two-year Congress. Formally, election is a function of the entire membership, but the actual choices tend to be made by each party's House or Senate caucus.

On each committee, majority and minority parties secure seats according to ratios agreed upon by the party leadership, roughly in proportion to their respective strengths in either house. There is no strict numerical rule, and the majority party has the ability to add somewhat to its representation. From the 94th through the 96th Congresses, the Republicans had about half as many seats as the Democrats, plus one, on every House committee except Standards of Official Conduct and the Committee on the District of Columbia, which had two or three extra Democrats. The Senate has similar ratios. In the 96th Congress, standing committees ranged in size from 15 to 54 members, the largest being the House Committee on Appropriations. *See also* Budget Committees; Conference Committee.

COMMITTEE OF THE WHOLE To expedite the consideration of bills and resolutions, the House may resolve itself into the "Committee of the Whole House on the State of the Union." This parliamentary device allows it to act with a quorum of 100 members instead of the normally requisite 218. All measures on the Union Calendar (tax measures, appropriations and authorizations of payments) must have their first consideration in the Committee of the Whole.

Measures debated in Committee of the Whole must have been reported by the appropriate committees and be on the Union Calendar. When the House sits as Committee of the Whole, a chairman takes the place of the Speaker and the measure is debated and amendments voted upon,

to the extent permitted by the special ruling of the House Committee on Rules, *q.v.*, if, as is ordinarily the case, one has been granted. Upon completion of its deliberations, the committee "rises," the Speaker resumes his place, and the full House hears and votes upon the Committee's recommendations. The Committee of the Whole, as such, cannot enact legislation. Prior to rules changes in 1971, votes taken in the Committee of the Whole were never recorded.

COMMITTEE REORGANIZATION In February, 1977, at the beginning of the 95th Congress, the Senate completed a sweeping reorganization of its structure by passing S. Res. 4 by a vote of 89 to 1. The resolution embodies the first thorough overhaul of the Senate's committee system since the Legislative Reorganization Act of 1946.

As approved, the resolution (1) limited each senator to service on not more than three committees and eight subcommittees; (2) barred any senator from chairing more than four committees and subcommittees in the 95th Congress, and three thereafter; (3) reduced the number of Senate committees from 31 to 25; (4) revised committee jurisdictions and included all energy functions in one committee; provided that minority members of each committee would be entitled to a proportionate share of the committee's staff and resources; and (6) directed the establishment of a computer system to schedule meetings, so as to avoid conflicts.

Education functions are assigned to a Committee on Human Resources, similar to the earlier Committee on Labor and Public Welfare, except that agricultural colleges and the school lunch program now belong to the Senate Committee on Agriculture. In the House, both ag schools and school lunch are assigned to the Committee on Education and Labor.

COMMITTEE REPORT The findings and recommendations of a standing committee of either house after examining, amending and voting upon a referred measure; the act of bringing such a bill to the entire house for action on the floor. House and Senate committee reports are designated "H. Rept." or "S. Rept." respectively, and are numbered sequentially, with a prefix indicating the Congress. Some committee reports relate to special studies or investigations, rather than to specific legislation, although these may eventually give rise to legislation.

After examining a bill, the full committee may do one of several things. It may:

(1) Report the bill favorably, recommending ". . . that the bill do pass." After that, it may be the task of the chairperson to guide the bill through debate and passage.

(2) Refuse to report the bill; table it or let it die unreported. This happens to the majority of all bills, and many of them deserve their fate. If a committee pigeonholes a bill that a majority of the House wants to consider, it can be "blasted out" through the use of the discharge rule (*See* Discharge a Committee), but this isn't often successful.

(3) Report the bill with an unfavorable recommendation. This rare, but it can happen when the committee senses a demand for the bill on the part of a number of members, and doesn't want to take responsibility for killing it.

(4) Report the bill in an amended form. Many bills are substantially altered in committee, and several bills on the same subject may be combined to produce one that can be reported with a recommendation.

(5) Report a "committee bill." In effect, this is an entirely new bill which the committee has created in place of the one or more submitted to it. The chairperson reports this new bill, and it goes on from there. House and Senate practices with respect to committee reports are generally similar.

Typically, a favorable committee report contains recommendations, an explanation of the committee's findings, the text of the bill with alterations indicated and a section-by-section analysis of its provisions. Space is allowed for additional, supplementary, and minority statements. Under recent legislation, cost estimates, *q.v.*, must be included. *See also* Conference Committee; Intent of Congress.

COMPANION BILLS Bills in identical form introduced at approximately the same time in each house, in order to facilitate the legislative process. For example, the Labor Managemer

Relations Act was introduced in the Senate by Robert A. Taft and in the House by Fred W. Hartley, Jr. Because they must go through separate processes of mark-up and amendment, the companion bills may lose their identical character and acquire differences that must be resolved in conference.

COMPILATION (1) The practice of editing and reprinting certain laws so as to incorporate changes made by subsequent amendments and produce a readable text. (2) The editorial preparation of laws for publication of laws in the *United States Code* or similar volumes, which may require the text to be broken down and classified under various titles, according to subject.

CONCURRENT RESOLUTION Any matter affecting the operations or interests of both houses may become the subject of a concurrent resolution. While these must be passed by both houses, they do not become law. They are used to express the principles, opinions and purposes of the two houses, create joint committees, to establish budget ceilings under the recent Congressional Budget and Impoundment Control Act, *q.v.*, and the like. If approved by both houses, they are published in the *United States Statutes at Large*, but are not submitted to the President. At times, concurrent resolutions are used to express the sense of Congress deploring some event or situation well outside the reach of the legislative power.

CONCURRENT RESOLUTION ON THE BUDGET A resolution passed by both houses, but not signed by the President, setting forth, reaffirming or revising the Congressional Budget of the United States for a fiscal year. Two such resolutions are required each year; one in tentative form by May 15, and another, in final form, by September 15. *See also* Congressional Budget and Impoundment Control Act.

CONFERENCE COMMITTEE A meeting of conferees or "managers" from each house, appointed to reconcile differences when a bill passed by one house is amended by the other, and the first does not concur in the amendments, or when versions of a bill passed by the respective houses differ in some substantial way. In a *simple conference* the conferees are bound by their instructions. In a *free conference* they may bargain, within limits. Since their deliberations are limited to areas of disagreement, they may not write and report new legislation.

A report is made if a majority from each house agree. Although the managers from each house meet as one committee, they are in effect two separate committees, each of which votes separately and acts by a majority vote. For this reason, the number of managers from each house is not particularly important. The report may recommend that either or both houses "recede" from their amendments, or "concur" in those of the other.

The house that agreed to the conference requested by the other is the first to act on the report. As the house voting first, it has three options: it may approve the report, reject it or send it back to conference. If it votes to approve, this action has the effect of discharging the conferees, with the result that the other house has only two options; to accept or reject the report. Conference reports may not be amended on the floor.

Conferees, usually ranking members of the committees reporting the bills, are appointed by the presiding officers of their houses. Rules adopted at the beginning of the 94th Congress require conferences to be open, unless a majority of either chamber's conferees vote to close the session. A large part of all major legislation goes through conference and is revised, sometimes drastically. All appropriations bills go to conference, where the usual result is compromise between the higher and lower amounts proposed by the respective houses.

CONGRESS AND SESSION A Congress extends over two calendar years, from January 3rd following the general elections ("unless Congress should by law appoint another date"), until final adjournment in September or October two years later, with breaks and recesses. Strictly speaking, Congress as such does not adjourn; the separate houses do so.

Each Congress is divided into two sessions, roughly corresponding to calendar years. Prior to the ratification of the Twentieth Amendment (1933), Congresses were divided into alternate "long" and "short" sessions. At present, they are of about the same duration, and being a congressman is a full-time job. Congresses have been numbered in sequence since the First Congress; sessions are designated as the first or second. Thus, Congressional documents are numbered by Congress and session, e.g., 94th Cong., 2d Sess. might appear on a report. Public

laws are numbered by the Congress in which they were enacted, plus a sequential number, e.g., P.L. 94-588, the last law of the 94th Congress. *See also* Congress, Composition of House and Senate.

CONGRESS, COMPOSITION OF HOUSE AND SENATE The House of Representatives comprises 435 members elected every two years from among the 50 states, their numbers being apportioned according to population, except that each state must have at least one representative. Beginning with 65 members in the First Congress (1789), the House reached 435 members in 1913. This number was made permanent by law in 1929, although it was increased temporarily in the 87th Congress to allow a member each from the new states of Alaska and Hawaii until the next reapportionment. The Senate is made up of 100 members, two from each state without regard to population. This would be increased to 102 if the District of Columbia representation amendment, now pending, were to be ratified. Prior to 1913, senators were elected by the state legislatures, rather than by the voters. The theory today is that senators represent their states as such, while members of the House represent the people, a distinction of little practical importance.

A Resident Commissioner for Puerto Rico (elected for four years), and one delegate each from Guam, the Virgin Islands, the District of Columbia and American Samoa (elected for two years) are seated in the House of Representatives and complete the membership of Congress. They may introduce bills in the House and take part in debate, but not vote on the floor; however, they may vote in the House committees to which they are assigned. The delegate from Samoa, Fofo I. F. Sunia, was seated in the 97th Congress as the first delegate from his region.

Both senators and representatives must be residents of their states at the time of their election. In addition, a senator must be 30 years of age and must have been a United States citizen for at least nine years. Representatives must be 25 and have been citizens of the United States for seven years. *See also* Congress, Terms of Office.

CONGRESS, DISCIPLINE AND SEATING OF MEMBERS Each house of Congress has authority to seat, refuse to seat or discipline its members according to its own rules, within the general framework of the Constitution. While the two houses may censure or expel members for improper or disorderly conduct, they have done so rather infrequently. Between 1789 and 1975, seven senators and 18 representatives had been formally censured, and 15 senators and only three representatives expelled (several for "adhering to the Confederacy"). Members who are under a cloud may escape formal action by resigning or losing their elections. Of the six members convicted or awaiting trial after the so-called "Abscam" operation, only one, Representative Raymond F. Lederer (D-Pa.), was reelected. Expulsion requires a two-thirds vote. Since censure may carry with it a loss of seniority, with a resulting loss of committee status and other attributes of power, it can have a serious effect on a member's political career.

With respect to seating, the Constitution states that each house "shall be the judge of the elections, returns, and qualifications of its own members." The power to exclude elected members was restricted by the Supreme Court in *Powell* v. *McCormack* (1969), and the rule today is that Congress must seat any member who is qualified and whose election was without irregularities. In a disputed election, either house may decide upon and seat a winner, declare the election void and require another, or leave the disputed seat vacant.

CONGRESS, TERMS OF OFFICE In accordance with the Twentieth Amendment, which eliminated the alternate-year short session, members of both houses begin their terms on January 3rd of the year following the general election, regardless of whether Congress convenes on that date or somewhat later. Prior to 1933, terms began on March 3rd, which allowed the losers to hang on as lame ducks for two months--in a Congress to which they had not been elected.

Representatives are elected for two years, i.e., for one Congress. Senators are elected for six years, their terms being staggered so that one-third of the Senate seats are contested in any general election. Senators are divided into classes in accordance with the closing dates of their terms, and the terms of senators from one state may not end in the same year. Of the two senators from a state, the one elected first is referred to as the "senior senator." If a senator or representative dies, withdraws or is expelled, the governor of the state must call a special election, unless the state legislature has empowered him to appoint a successor, as most have. A member so elected or appointed serves for the balance of the vacated term only. *See also* Congress, Composition of House and Senate.

CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974 This measure (P.L. 93-344), which became fully effective in fiscal 1977, requires Congress to put a ceiling on spending and a floor under revenues in each fiscal year. It forces Congress to establish priorities and relate total spending to total revenue, instead of handling revenue and spending measures separately as in the past. The congressional budget process involves a series of deadlines, the most important of which are May 15, when Congress completes its first budget resolution with *budget targets*, and September 15, when the budget targets are replaced with *budget ceilings* in the second concurrent resolution. This series of actions, which does not require Presidential approval, establishes a congressional budget analogous to the Administration's budget. It should be noted that the congressional projections can be very different from those put forward by the Executive Branch.

For targeting purposes, the budget is divided into 16 functional categories, such as Income Security, Community Development and General Government. Education is in the "500 series," or category, along with labor and welfare. A Joint Congressional Budget Office manages the technical complexities and serves as staff for the new House and Senate Budget committees. The law also provides for congressional control over impoundments, *q.v.* USC Title 1, Sections 105, 190, primarily. *See also* Budget Committees; Budget of the United States Government; Full Funding.

CONGRESSIONAL DISTRICTS Political subdivisions of substantially equal population, each of which elects and is represented by one member of the House of Representatives, except in six smaller states, each of which has one representative at large. These are Alaska, Delaware, Nevada, North Dakota, Vermont and Wyoming. After the reapportionment dictated by the 1980 census, however, Nevada will gain an additonal representative. Districts are redrawn by state legislatures, when necessary, to reflect internal shifts in population or changes in apportionment, *q.v.* District boundaries rarely coincide with those of any other political subdivision. A district may incorporate several communities, or a member may represent only part of a large city. Nationwide, the average district has a population of somewhat more than 450,000 (on the basis of the 1970 census).

Efforts to improve the federal Apportionment Acts of 1929 and 1941 have failed, with the result that redistricting has been governed, to a great extent, by decisions of the Supreme Court. While the Court has demanded high standards of numerical equality, it has neglected other criteria such as compactness, contiguity and homogeniety in drawing district lines. Typically, the absolute deviation in population between the largest and smallest districts in any state is less than one percent. *See also* Congress, Composition of House and Senate; Gerrymander.

CONGRESSIONAL IMMUNITY Under Article I of the Constitution, members of Congress may not be sued or arrested for slander or libel as a results of statements they may make on the floor, in committee, or cause to be written in a congressional report or resolution. This protection is limited to an official context, and no member is free to defame another person.

In addition, members are protected from arrest while travelling to or from sessions of Congress or on official business. This provision, now obsolescent, applies to arrest in civil suits and was designed to protect members against harassment. Members of Congress have no immunity from criminal arrest or from service of process in either civil or criminal actions.

CONGRESSIONAL INVESTIGATIONS The power of Congress to conduct investigations and investigative hearings is not found in the Constitution. It is based on the investigative tradition of the House of Commons and has been upheld by the Supreme Court as indispensable to the exercise of "all legislative powers" under the Constitution, and as "an essential and appropriate auxiliary to the legislative function."

Committees of Congress may subpoena the attendance of witnesses and the production of records and data, and subject recalcitrant persons to penalties for contempt of Congress. An inquiry must relate to a subject within the competence of the committee and house; such as an impeachment, a contested election, or the discipline of a member; or to a subject on which legislation is planned or has been introduced; or to a national problem subject to amelioration by legislation. Investigations may be conducted by joint, special or standing committees, or by their subcommittees. *See also* Hearings; Implied Powers; Powers of Congress.

CONGRESSIONAL OVERSIGHT The Legislative Reorganization Act of 1946 provides that each standing committee of either house "shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee. . . ." Each committee reports on its oversight activities at the end of each Congress. This provision has expanded the investigative function of Congress and strengthened and legitimized its "watchdog" role. Congress is assisted in its oversight function by the General Accounting Office, a Legislative Branch agency.

CONGRESSIONAL POWERS *See* Powers of Congress.

CONGRESSIONAL RECORD Proceedings of both houses have been reported since 1873 in the *Congressional Record*, issued daily by the Government Printing Office while Congress is in session. Between 1830 and 1873, Congress was covered by the privately-owned *Congressional Globe*; earlier, by other private reporters. The *Record* reports debate in full, together with speeches, motions, all recorded votes and the major steps in parliamentary procedure.

Mmebers are allowed to edit their statements and make substantial additions, with the result that remarks reported by the press may not show up in the *Record*, and some things may appear in the *Record* that didn't really get said on the floor. Since March 1, 1978, unspoken speeches and substantial interpolations have been marked off between "bullet" symbols. A "Daily Digest" section summarizes proceedings in each house and outlines the legislative program for the next day. An "Extension of Remarks" section, *q.v.*, allows members to develop their thoughts on issues and include extraneous matter from many sources. The Constitution requires each house to maintain a journal, *q.v.*, containing its minutes. These documents, less well known than the *Congressional Record*, have been maintained since the First Congress.

CONGRESSIONAL SALARIES At the end of the 96th Congress, members of Congress were receiving $60,662 per annum. The majority and minority leaders received $68,575; the Speaker of the House, $79,125. In 1969, Congress tried to finesse the politically difficult question of salaries by creating a nine-member Commission on Executive, Legislative and Judicial Salaries. The Commission, which includes members from outside government, reports every four years. It has recommended 40 percent increases for congressmen and substantial raises for other top level government officials. The Carter Administration, mindful of inflation, has sought increases of only 16.8 percent. Since 1969, congressional salaries have increased by only 43 percent, while the consumer price index has risen by 130 percent in the same period.

Traditionally, Congress has eschewed salary increases in favor of less-visible benefits, such as a generous pension system, the franking (mailing) system, increasingly large staffs and a remarkable collection of perquisities, ranging from cheap haircuts and free flowers to a new foot-locker every session.

CONGRESSIONAL VETO Something of a misnomer, since regulations, rather than bills, are subject to nullification under congressional veto provisions. The so-called "veto" clauses, estimated to appear in at least a hundred recent enactments, range from a simple requirement that an agency's proposed regulations be sent to its committee for review, to requirements for congressional approval before a regulation may go into effect. Under the General Education Provisions Act (GEPA), *all* regulations issued by the Department of Education are subject to congressional veto--the most sweeping application of this policy thus far.

CONGRESSMAN *See* Member of Congress.

CONSENT CALENDAR One of the five legislative calendars, or agendas, of the House. Bills are shifted to this calendar if they are considered to be noncontroversial. Bills on this calendar are "called" on the first and third Mondays of each month. On the first call, consideration may be blocked by one member and the bill carried over. On the second call, the bill is stricken and reverts without prejudice to the House or Union Calendars if two or more members object. If no objection is made, the bill is passed by unanimous consent without debate. To be certain that bills on the Consent Calendar actually are minor and noncontroversial, they are examined by six "official objectors," three each from the majority and minority parties. The Senate has a similar procedure, but no such calendar. *See also* Suspension of Rules.

CONSTITUTION *See* Amendments to the Constitution.

CONTINUING RESOLUTION It sometimes happens that a fiscal year comes to an end before Congress has completed all of the appropriations bills awaiting passage. To keep the government in business, Congress then passes a joint resolution "continuing appropriations" for the affected agencies, usually at the existing level of funding. *Compare* Supplemental Appropriation.

CONTROLLABILITY The extent to which outlays are subject to control by Congress and the President during a fiscal year. "Relatively uncontrollable" usually refers to spending that cannot be avoided without changing existing law. This is characteristic of open-ended programs with costs that are locked in, such as social security or veterans' benefits; also payments on prior obligations. Interest on the public debt is a major uncontrollable. The steady growth of uncontrollables has made significant budget cutting increasingly difficult.

CORRECTING THE RECORD Although House and Senate rules do not allow members to change their votes once the results are known, a member sometimes asserts, later on, that his vote was not properly recorded. In the House, a roll call vote may be changed with the consent of the Speaker, but votes tallied by the electronic voting device are final. In the Senate, votes may be changed by unanimous consent. *Compare* Strike from the Record.

CO-SPONSORS Members of either house who join in the sponsorship of a bill, thus signifying their support, at least at the moment. Originally, the House did not permit co-sponsorship. In 1967, the House voted to allow co-sponsors to the limit of 25, a rule often circumvented by introducing the same bill more than once. Also, members may submit identical bills when they wish to support a measure, but do not want to become identified with other members whose party or political philosophy may be different.

COST ESTIMATES The Legislative Reorganization Act of 1970 requires each committee report, *q.v.*, to include an estimate of the cost of carrying out the proposed measure in the fiscal year in which it is reported and in the next five fiscal years, or for the duration of the activity, if less than five years. In a revenue measure, the report must note the estimated gain or loss of revenue for a one-year period.

CUSTODY OF THE PAPERS Or which side has the ball. Conference committees to reconcile differences between House and Senate versions of bills may be requested only by the body in possession of the engrossed bill, engrossed amendments, messages of transmittal and related documents; that is, the house to act on a bill after it has been passed by the other. The house having custody of the papers becomes the last to vote on the conference report when it is submitted to the two houses for approval. *See also* Conference Committee.

DEFERRAL An Executive Branch action, or inaction, which temporarily withholds or delays the obligation or expenditure of budget authority. In effect, a deferral puts off the spending of appropriated money until later in the fiscal year. Under the Congressional Budget and Impoundment Control Act of 1974, the President must explain any proposed deferral in a special message to Congress. A deferral takes effect automatically unless either house objects to it within 45 days. A deferral may not continue past the end of a fiscal year. *Compare* Rescission.

DEFICIENCY APPROPRIATION *See* Continuing Resolution; Supplemental Appropriation.

DEFICIT The amount by which a government's budget outlays exceed its budget receipts for a given period. Deficits are financed primarily by borrowing from the public. The opposite situation creates a surplus.

DIRECT ENTITLEMENT *See* Local Entitlement.

DISCHARGE A COMMITTEE "Blasting" a bill out of committee. The release of a committee from further jurisdiction over a legislative proposal, with the effect of bringing the matter to the floor. This procedure, designed to prevent a committee from "smothering" a bill that the members in general wish to take action on, may be initiated by any member of the House if a committee does not report a bill within 30 days, but it isn't easy.

In the House, a discharge petition requires the signatures of a majority of members (218). Then, after a seven-day waiting period, any member who signed may move to discharge. If the motion is carried, the bill comes to the floor. Being privileged, it receives immediate

consideration. If a request for a special ruling on a bill by the House Rules Committee, *q.v.*, has been held up for seven days, any member may move to discharge that committee. At times, a committee may be discharged by unanimous consent of the House, usually to bring some noncontroversial matter to the floor. In the Senate, a motion to discharge a committee may be offered by any member. It is carried by a majority vote.

DISCHARGE CALENDAR In the House, petitions to discharge a committee are placed on this calendar, after they have secured to requisite 218 (majority) signatures.

DISCIPLINE AND SEATING OF MEMBERS *See* Congress, Discipline and Seating of Members.

DUE PROCESS Originally, a principle derived from the common law, restraining the executive branch from depriving persons of life, liberty or property by arbitrary means outside the normal course of law. In the United States, the principle is embodied in many provisions of the Bill of Rights, *q.v.* Due process appears in the Fifth Amendment as a restraint on the federal government; in the Fourteenth Amendment as a restraint on the states.

Procedural due process governs administrative and judicial actions, which must be predictable, even-handed and available to all. No action in the nature of punishment or correction may be taken until an appropriate finding of guilt or noncompliance has been made in the normally prescribed manner. *Substantive due process* means that the courts will not enforce arbitrary or unjust provisions of any law under which a person has been tried. The Supreme Court has used the concept of due process to strengthen other guarantees under the Constitution, and has assimilated most of the provisions of the first eight Amendments into the Fourteenth Amendment, so as to bar their infringement by the states. *See also* Bill of Rights.

ELECTION DAYS By law, national general elections are held on the Tuesday after the first Monday in November, in even-numbered years. Although most state elections take place on the same day, a few states hold elections in November in the odd-numbered years.

ENACTING CLAUSE Since 1871, all bills in the House and Senate have opened with the phrase, *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That. . . .* A motion to strike the enacting clause, if carried, kills the bill, while a motion to amend all language after the enacting clause may be used to substitute a new bill, in effect. Joint and concurrent resolutions of Congress open with a "resolving clause" similar in form to the enacting clause.

ENACTMENT, DATE OF A law is enacted (becomes valid) on the date when it is signed by the President, passed over his veto or becomes law without his signature (ten days after the bill arrives at the White House, not counting Sundays).

ENGROSSED BILL The final, correct copy of a bill as passed by one House, together with amendments, attested by the signature of the Secretary of the Senate or Clerk of the House, and ready to be messaged to the other house for its action.

ENROLLED BILL A bill ready for submission to the President, having been passed in identical form by both houses, and signed first by the Speaker of the House and then by the President of the Senate (Vice President). An enrolled bill is printed on parchment paper and examined for accuracy by the Committee on House Administration. Subsequently, the text of the bill serves as photoelectric offset copy for the printing of an accurate slip law, *q.v.* After signing, or passage without signature, the document is sent to the General Services Administration for numbering as a public law and is deposited in the National Archives.

ENTITLEMENT *See* Local Entitlement.

EXECUTIVE CALENDAR The Senate, which has but one calendar or agenda for all legislative proposals, uses the non-legislative Executive Calendar for Presidential matters such as nominations and treaties. The Senate's legislative calendar is known as the Calendar of Bills and Resolutions.

EXECUTIVE COMMUNICATION Usually a letter from the Executive Branch (Cabinet member, head of an independent agency, or the President), transmitting the draft of a proposed bill to one or both houses. The Constitution provides that the President shall "from time to time give to

the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient." The State of the Union message sets the stage for a series of executive communications, one of which is the President's Budget Message. *See also* Administration Bill; Executive Document.

EXECUTIVE DOCUMENT A non-legislative measure, such as a treaty, sent by the President for ratification or approval. Executive documents are designated alphabetically by Congresses, e.g., Executive F, 95th Cong., 2d Sess. Unlike bills, executive documents do not lapse at the end of a Congress, but remain active proposals until acted upon by the Senate or withdrawn by the President. *See also* Treaties and Other International Agreements.

EXECUTIVE OFFICE OF THE PRESIDENT The various agencies under the direction of the President, so placed by the Executive Reorganization Act of 1939 and other legislation. These include the personal assistants to the President, the White House Office, and agencies like the Office of Management and Budget, the Council of Economic Advisers, the National Security Council and the Central Intelligence Agency.

EXECUTIVE ORDER Any rule or regulation issued by the President or some administrative authority under his direction, interpreting or implementing a provision of the Constitution or of a law or treaty. An executive order may relate to the operation of a particular agency, or it may have general effect as law. Executive orders are published in the *Federal Register* and in the *Weekly Compilation of Presidential Documents*.

EXECUTIVE SESSION A meeting of a House or Senate committee (rarely, the whole chamber), from which the press and public are excluded, but in which the testimony of witnesses may be received. At one time, the Senate regularly considered treaties and Presidential nominations in secret or executive sessions. Recently adopted "open meeting" policies in both houses have diminished the use of executive sessions. *See also* Sunshine Laws.

EXPENDITURE The spending or obligating of funds, as distinguished from their appropriation, *q.v.* Expenditures are made by federal agencies and departments, i.e., the Executive Branch, while appropriations are the work of Congress. Expenditures and appropriations are not identical in any year, since appropriating action takes place one, two or more years earlier. *See also* Advance Funding; Appropriation; Authorization; Obligation.

EXTENSION OF REMARKS Both houses rather freely grant their members "leave to publish" undelivered speeches, communications, reprinted matter and other extraneous material in the *Congressional Record's* "Extension of Remarks" section. The resulting anthology of Americana reveals much about the tastes, interests and problems of congressmen and their constituents.

FEDERAL REGISTER This daily periodical began publication in May, 1939, as the official notice board of the federal government. Its importance was increased by the Administrative Procedure Act of 1946, *q.v.*, which required all proposed and final federal rulemaking to be made public. The *Federal Register* now includes proposed and final rulemaking, executive orders, reorganization plans, program deadlines, Presidential papers and other material of importance to persons who deal with the federal government. Regulations and executive orders gain legal force on publication in the *Register*, which is keyed to the permanent *Code of Federal Regulations*, *q.v.*

FEDERAL REGULATION OF LOBBYING ACT Title III of the Legislative Reorganization Act of 1946 requires lobbyists, *q.v.*, to register with the Clerk of the House and the Secretary of the Senate, to report their incomes and expenditures, and name their employers and principals. This information is published at intervals in the *Congressional Record*. Subsequently, they must make quarterly reports itemizing money received or paid by them to influence legisation, and to name any periodicals in which they have caused articles or editorials to be published. The law, which is rather pejorative in tone, emphasizes money and publicity and takes little account of the legitimate communication and information functions of the lobbyist. Although the law is widely understood to be unsatisfactory, efforts to enact better legislation had not been successful by the end of the 95th Congress.

FEDERALISM (1) A principle of political organization under which sovereign states combine to form a common central government, to which they delegate certain powers, meanwhile retaining other non-delegated powers and much of their own identity. If the constituent states are democratic in character, such nations may be known as federal republics, examples of which

are Canada, Mexico and the United States. (2) The policy of active and informed cooperation among the levels of government within such a nation; the "new federalism." *See also* Parliamentary Government; Separation of Powers.

FILIBUSTER Delaying tactics employed on the floor by a minority seeking to block a vote or compel a majority to modify its legislative program, usually by prolonged speech-making and dilatory motions. Until recently, Senate rules permitting unlimited debate favored the filibuster and made its termination by cloture, *q.v.*, almost impossible. Between 1917 and 1975, Senate rules required the votes of two-thirds of the senators present and voting to cut off debate. In 1975, this rule was changed to provide that debate could be cut off by the vote of 60 senators, rather than 67 as under the prior rule, if all 100 were present and voting. The filibuster has been defended as a vital protection for minority rights, and as a defense for the small states against the larger ones, heavily represented in the other chamber. In the House of Representatives, unlike the Senate, the rules make a real filibuster hard to sustain, although a "minifilibuster" can be staged by offering amendments, insisting on points of order and demanding roll call votes; all dilatory tactics that the Speaker usually quells.

FISCAL YEAR For planning and budgetary purposes, the financial year of the federal government does not coincide with the calendar year. Between 1921 and 1976, the fiscal year ran from July 1 to June 30. To meet the additional procedural demands of the new budget cycle under the Congressional Budget and Impoundment Control Act, *q.v.*, the beginning of the fiscal year was advanced three months, with the result that the 1977 fiscal year began in October 1, 1976 and ended September 30, 1977. The three-month hiatus between the end of the old 1976 fiscal year and the beginning of fiscal 1977 constituted the "transition quarter." A fiscal year carries the date of the calendar year in which it ends.

"500 FUNCTION" *See* Congressional Budget and Impoundment Control Act.

FIVE-MINUTE RULE In the Senate, the practice of limiting debate on bills called in turn from the Calendar of Bills and Resolutions to five minutes for each senator on the bill and amendments to it. Such bills, called in order from the Calendar, usually are noncontroversial.

In the House, a rule applying to the Committee of the Whole, *q.v*, which limits a member proposing an amendment to five minutes in which to explain it, after which "the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition." In committee hearings, members have five minutes for questioning witnesses.

FLOOR (1) The area within each chamber reserved for members, as distinguished from the galleries. (2) An assemblage of the entire body of either house, or a quorum thereof, in its chamber for the purpose of doing legislative business. Hence, such expressions as "floor amendments" and "on the floor." (3) The parliamentary privilege of a member to address the body in session, carrying with it the right to introduce amendments, offer motions, raise objections and the like, upon recognition by the presiding officer and subject to the rules.

FLOOR ACTION Action taken by a quorum of the full membership of either house on a bill or other measure as reported by a committee. Also, action taken by the Committee of the Whole, *q.v.*, in the House. Subject to the rules, members may introduce amendments, enter into debate, seek in various ways to prevent or promote the passage of a measure, and vote on its passage. In the House, floor action may be circumscribed by special rulings of the Committee on Rules. A "floor fight" is said to take place when partisans and opponents of a controversial measure make use of carefully-concerted political and parliamentary tactics to gain their ends in a close contest. The custom of bringing bowie knives and loaded canes into the chambers was abandoned some years ago, but of procedural ingenuity there is no end.

FLOOR LEADER A member designated by his party's caucus to take charge of party interests during legislative sessions. He may plan the course of debate, deirect the submission of amendments, determine the order in which members of his party shall speak, and, through the whips, strive to maintain party solidarity. In the Senate, the floor leaders from the two parties largely decide when debate shall be closed and a vote taken. he majority and minority leaders are recognized officers of the two houses, with special staff assistance and higher salaries than the members at large. *See also* Manager; Whip.

FORMULA *See* Allotment.

FORWARD FUNDING *See* Advance Funding.

FRANKING PRIVILEGE The right of members of Congress to send official mail free of charge within covers bearing their signatures in facsimile in place of stamps. Members receive up to 40,000 public document envelopes per month for franked mail. In addition, each member has substantial allowances for telephone calls and special delivery mail, and $5,000 annually for the publication of newsletters and the like. In 1976, members sent 421.4 million pieces of franked mail, at a cost to the taxpayer of $51.8 million. House and Senate have somewhat different rules on franked mail. Changes instituted in the 95th Congress might save some money by increasing the use of third class for some franked matter, but will be likely to increase the actual volume, particularly on the Senate side.

FULL FUNDING Funding of federal programs through the appropriation of amounts substantially equal to the ceilings specified in the authorizing legislation, unless urgent considerations make such funding levels inadvisable. The adoption of the principle of full funding would put an end to the irresponsible practice of authorizing sums not seriously expected to be made available, and shift the burden of proof to any legislator who might propose appropriations significantly below authorized levels. *See also* Congressional Budget and Impoundment Control Act.

GERMANENESS House rules require that amendments must be relevant to the subject matter of the bill involved. Both houses object to the attachment of substantive or authorizing amendments to an appropriations bill, or "legislating in a money bill."

The Senate's germaneness rule is limited to general appropriations bills, bills considered under cloture and proceedings under an agreement to limit debate. Otherwise, senators are free to attach all manner of non-germane "riders." Prior to the Legislative Reorganization Act of 1970, the House was forced to accept such amendments or reject the bill. Today, the House may take a separate vote on any Senate amendment that would be non-germane under House rules.

GERRYMANDER Geographically imaginative redrawing of congressional districts by the party in charge within a state, so as to include or exclude groups of voters. Named after Massachusetts Governor Elbridge Gerry (1744-1814), who was alleged to have profited from the practice. States can be gerrymandered in several ways. An effort can be made to collect most of the minority party's voters in one district, or they can be spread, as thinly as possible, over several districts. Early legislative efforts to control apportionment (1842 and 1872) required districts to be "compact" and of "contiguous territory," as well as roughly equal. The 1929 and 1941 Apportionment Acts dropped this language, and the controlling decisions of the Supreme Court are limited to high standards of purely numerical precision in accordance with the "one man, one vote" rule. It appears that the gerrymander might still be alive and squirming. *See also* Apportionment; Congressional Districts.

GRANT-IN-AID *See* Categorical Programs.

HEARINGS If a bill is of sufficient importance, or is controversial or complex, the committee to which it was referred may hold public hearings at which it will receive oral and written testimony from specialists, government officials, members of Congress or the public. Witnesses may volunteer their testimony, appear by request or be subpoenaed. Hearings may range from perfunctory, with a few witnesses appearing briefly before two or three committee members, to full-scale performances with heavy press coverage, lasting days or weeks.

Ordinarily, witnesses are expected to file their written statements prior to the hearing, and to limit their oral presentations to five minutes. In the House, each committee member is limited to five minutes in which to interrogate witnesses, until each member has been able to ask questions. A committee may hear testimony, but not vote, in the absence of a quorum. Transcripts must be made available the public inspection at the committee's office. Whether the proceedings will be printed in full is at the discretion of the committee. *See also* Congressional Investigations.

HOUSE The House of Representatives or, in lower case usage, either body or "house" of a bicameral legislature. "Chamber" may be a synonym, or it may refer to the actual meeting room of either house.

HOUSE CALENDAR One of the five calendars or agendas of the House, listing bills that do not raise revenue or directly or indirectly appropriate money or property.

HOUSE COMMITTEE ON RULES *See* Rules Committee.

IMPEACHMENT A formal accusation (analogous to an indictment) enacted by the House in the form of a resolution and transmitted to the Senate to initiate the removal of a civil officer for "treason, bribery, or high crimes and misdemeanors." Such a resolution is not signed by the President. The impeachment is then tried by the Senate sitting as a court, with the Chief Justice presiding if the defendant should be the President. An impeachment resolution may be adopted by the House on a majority vote; however, a vote of two-thirds is required for conviction by the Senate. Only 12 civil officers have been impeached by the House. Of these, only four (all federal judges) were convicted and removed from office. The penalty that may be imposed by the Senate is limited to removal from office and subsequent disqualification from holding office under the United States; however, the convicted person remains liable to trial and punishment in an ordinary court of law.

IMPLIED POWERS Powers not expressly granted to the federal government by the Constitution, but existing because they are "necessary and proper" to carry into effect powers set forth in explicit terms. The Supreme Court has given the implied powers a wide range. "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional." Chief Justice John Marshall, in *McCulloch* v. *Maryland,* 1819. *See also* Powers of Congress; Reserved Powers; Separation of Powers.

IMPOUNDMENT A general term referring to the withholding of budget authority from obligation through deferral or rescission, *q.v.*, by the Executive. On the federal level, impoundment amounts to a refusal to make use of money appropriated by Congress, thus appearing to thwart the congressional intent. This, incidentally, is one of the few situations not anticipated by the authors of the Constitution. In their experience, the Crown had never been known to refuse appropriated funds. President Nixon's use of impoundment to achieve supposed economies led to the passage of the Congressional Budget and Impoundment Control Act of 1974, *q.v.*, which gives Congress the final word on this practice.

IMPOUNDMENT RESOLUTION A House or Senate resolution disapproving a deferral of budget authority by the President. Adoption of an impoundment resolution by either house overturns a deferral and requires that the affected budget authority be made available for obligation. Deferrals take effect immediately. Absent objection by Congress in the form of a resolution, they continue until lifted by the President, but not beyond the end of the fiscal year. *See also* Deferral; Rescission.

INTENT OF CONGRESS Because the compressed language of a statute may leave some nuances of meaning unclarified, its interpretation is facilitated by reference to conference reports, committee reports, the text of debate on the floor and other congressional documents serving to reveal the intentions of the lawmakers. These materials, comprising the "legislative history," lack the direct force of law but are persuasive in the courts. Evidence of the intent of Congress can be decisive in the interpretation of regulations, as well. In recent years, slip laws, *q.v.*, have included a legislative history note that provides references to House, Senate and conference reports, and to debate in the *Congressional Record.*

INVESTIGATIVE POWER *See* Congressional Investigations; Hearings.

ITEM VETO In some states, the governor may veto portions of an appropriations bill and, in a few instances, other bills, without invalidating the remainder of the legislation. The President, who lacks this power, must accept or veto a bill in its entirety. This makes it possible to "veto proof" a bit of legislation by sending it up as a rider, *q.v.*, on some other bill that the President will be reluctant to veto, for political or practical reasons.

JOINT COMMITTEE A committee made up of members from both houses, usually with investigative functions or operational responsibilities affecting both. Standing joint committees include the Joint Committee on Economics, the Joint Committee on Internal Revenue Taxation, and committees on printing and the Library of Congress; fewer than in the past.

JOINT RESOLUTION Joint resolutions originate in either house and not, as the name suggests, jointly in both houses. In modern times, there is little distinction between a bill, *q.v.*, and a joint resolution, although the latter form tends to be used for unusual or impermanent matters, such as appropriating funds for a Presidential inauguration or correcting errors of an editorial nature in previously-passed statutes.

Bills and joint resolutions, with one important exception, pass through the same procedural steps and create public law. A joint resolution, *not* signed by the President, is used when an amendment to the Constitution is proposed. A joint resolution originating in the House is designated "H.J. Res." plus a sequential number. A Senate joint resolution is designated "S.J. Res.," and similarly numbered. *Compare* Concurrent Resolution; Simple Resolution.

JOURNAL The Constitution requires each house to "keep a Journal of its Proceedings, and from time to time publish the same." Kept by the Clerk of each house, the *Journals* contain minutes of the introduction and referral of bills, motions, the reports of committeees, recorded votes and other business, but do not include extraneous materials or *ad verbatim* records of floor debates. The approval of the *Journal* for the previous day is part of the routine opening a legislative day. The *Journals*, now running to several thousand meticulously indexed pages annually, are published in book form at the end of each session. Although they are available to the public they have been largely superseded by the daily *Congressional Record* as a source.

LAW (1) A bill or joint resolution that has been passed by both houses, signed by the President, passed over his veto or allowed to become effective without his signature. "Act" and "statute" are approximate synonyms. (2) An order, ruling or regulation issued by a duly empowered agency pursuant to a legislative enactment. Hence the expression, "Having the force of law." (3) The entire body of authoritative rules governing a political community, whether legislative, judicial, administrative or customary in origin, together with the principles of justice and propriety applied to their development and enforcement.

LEGISLATIVE HISTORY *See* Intent of Congress.

LOBBY The public corridors adjacent to the chambers of Congress, traditionally and sometimes actually infested with lobbyists, *q.v.*

LOBBYIST A person who seeks, either as an individual or as an agent, to make members of Congress aware of the needs and interests of various elements in American society, and of the probable consequences of policy alternatives, so as to influence the development of legislation. A lobbyist or his organization may provide useful expertise in the drafting of bills and amendments, the conduct of investigations or the management of campaigns. The development of testimony and the recruitment of witnesses for committee hearings are important functions of the lobbyist. "Agency lobbying" directed to the Executive Branch is similar, except that it has to do with the development of regulations and program priorities, rather than legislation, and is of equal importance. The other important function of the lobbyist is the political education and coordination of his constituency group, so that its members can take a more effective and responsible part in the development of legislation and policy.

Legitimate lobbying, which provides congressmen with vital information and links them with the persons they serve, falls within the constitutional right of citizens to "petition for the redress of grievances." Although current laws designed to curb abuses in lobbying are widely understood to be inadequate, Congress has found it difficult to enact suitable controls over this basically necessary activity. *See also* Federal Regulation of Lobbying Act.

LOCAL ENTITLEMENT A system of allocation under which federal funds are distributed to local units of government, such as school districts, according to local criteria and without the intervention of other levels of government. Under local entitlement, a school district can be relatively certain of its share of a given appropriation, and the state level is eliminated or reduced to a ministerial role. *See also* Block Grants; Revenue Sharing.

MAJORITY A *simple majority* is made up of more than half of those present and voting. In this glossary, "majority" usually refers to a simple majority. An *absolute majority* comprises more than half of those entitled to vote on a question, whether present or not. In the Senate an absolute majority would be 51; in the House, 218. *See also* Plurality; Quorum.

MAJORITY AND MINORITY LEADERS Senior members selected by the caucuses of their parties to take charge of party strategy on the floor and otherwise coordinate partisan efforts. The Senate majority leader controls the allocation of time for debate and holds a position of power. In the House, the majority leader tends to become the principal assistant to the Speaker, who is the party's effective leader on that side of Congress. The majority and minority leaders may also be called "floor leaders." They have special staffs and higher salaries than the general run of members. At the opening of the 97th Congress in January, 1981, the Senate majority leader was Howard H. Baker, Jr. (R-Tenn.); the minority leader, Robert C. Byrd (D-W.Va.). In the House, the majority leader continued to be James C. Wright (D-Texas), and the minority leader was Robert H. Michel (R-Ill.). *See also* Majority and Minority Whips.

MAJORITY AND MINORITY WHIPS The whips serve as first assistants to the majority and minority leaders in both houses. Along with other duties, they remind members to be present at votes, arrange pairs, conciliate disaffected members and keep the leadership informed about the attitudes of the rank and file. In today's House and Senate, the whips' offices have inportant information functions, issuing notices, schedules and policy materials to the members of their parties. In the House, the majority whip has the assistance of a chief deputy whip and three deputy whips.

At the beginning of the 97th Congress in January, 1981, the Senate's majority whip was Ted Stevens (R-Alaska), and Alan D. Cranston (D-Cal.) was minority whip. In the House, the majority whip was Thomas S. Foley (D-Wash.), and the minority whip was Trent Lott (R-Miss.). The House Democratic whip is appointed by the party's floor leader, while the Republican whip is elected by his party's conference (caucus). Both Senate whips are elected by their parties.

MANAGER (1) Conferees appointed to a conference committee, *q.v.*, to reconcile differences between House and Senate versions of a bill, may be referred to as "managers." (2) When a bill is reported out of committee, a "floor manager" may be designated by the committee to guide the bill through the various steps in debate and passage. If the bill is an important one, the committee chairman may perform this function.

MARK-UP OF A BILL In either house, a committee or subcommittee session in which a bill is reviewed in detail, with language being added or deleted by amendment to meet the needs and objections of the committee members, usually after testimony has been taken in hearings. At this stage, the bill may be printed in expanded format with numbered lines to facilitate discussion and revision. If the bill is extensively revised or completely rewritten, the committee or subcommittee may order a "clean bill" printed, which will be reported under a new number.

Until recently, many mark-ups were held behind closed doors, with the press and public excluded. After the adoption of open meeting rules (House, 1973; Senate, 1975), open mark-ups became usual. There is reason to think that much of the close bargaining that characterized closed mark-ups is being done through telephone calls and informal caucuses, and that a large part of the traditional secrecy has been preserved.

MATCHING GRANTS Many categorical grant-in-aid programs require that every federal dollar be matched with one or more dollars from some non-federal source, and prospective grantees may be required to show that such funds are available.

A variation on the matching principle is *cost sharing*, wherein the grantee is expected to make some contribution to the total expense of a project. This may be nominal, or it may be a significant percentage of project cost. In other instances, the cost sharing requirement may be met by a contribution in kind, such as the provision of space, staff or materials.

MEMBER OF CONGRESS Both senators and representatives are properly termed members of Congress, since the Congress comprises both bodies, but the term most frequently refers to representatives. The related term "congressman" almost always means a member of the House.

MEMORIAL (1) A statement of opposition or objection to some legislation or policy, usually submitted to Congress by an organization or citizens' group. Ordinarily negative in character, memorials may be contrasted to petitions, *q.v.*, which typically seek some action by Congress. (2) A communication from a state legislature, either supporting or opposing legislation, or

suggesting some policy. Memorials are referred to the committees with jurisdiction over their subject matter.

MINORITY LEADER *See* Majority and Minority Leaders.

MINORITY WHIP *See* Majority and Minority Whips.

MONEY BILLS *See* Appropriation; Revenue Measures.

MORNING HOUR A period set aside at the beginning of the legislative day, *q.v.*, for the consideration of regular routine business. The House rarely has a morning hour; in the Senate, the first two hours of a session following an adjournment are devoted, usually, to morning hour business. In the Senate morning hour, the presiding officer lays before the chamber messages and petitions of various kinds and, in the following order, calls for: the presentation of petitions and memorials, reports of committees, the introduction of bills and joint resolutions and, lastly, concurrent and simple resolutions.

MOTION Parliamentary request by a member for a substantive or procedural action in committee or on the floor, usually becoming effective upon majority vote, or with the approval of the presiding officer.

OBLIGATION A commitment made by a federal agency to pay out money for products, services, grants or other purposes, as distinct from actual payments. Obligations incurred by an agency may not be larger than its budget authority, *q.v.*, for the fiscal year.

ONE-MINUTE SPEECHES Addresses by members of either house during morning hour, or at the beginning of the legislative day. In the House, such speeches are limited to one minute on any subject. Also, by unanimous consent, representatives may be able to make longer speeches at the end of the day. Senators may offer speeches of predetermined length during the morning hour. All of these are printed in the *Congressional Record*, often considerably extended. Generally, the press of legislative business does not permit much of the oratory that once resounded in the halls of Congress.

OPEN MEETING RULE *See* Sunshine Law.

ORIGINAL BILL Bills to carry out the recommendations of the President are introduced, as a rule, by the chairmen of the committees with relevant jurisdiction. At times, the committees themselves may introduce and report "original bills" to carry out the Administration's program of legislation. *See also* Administration Bill.

OVERRIDE *See* Veto Override

OVERSIGHT *See* Congressional Oversight.

PAIR In either house, if two members on opposite sides of a question plan to be absent when a vote is taken, they may agree to be reported as a "pair." The outcome of the vote will not be affected, since pairs cancel out and are not totalled, but the names of the lawmakers and their positions (yea or nay) will be reported in the *Congressional Record*.

A variation on this is the *live pair*, wherein two members have their names recorded on opposite sides of a question when one is absent and the other is present but not voting. A *general pair* is created when a representative who expects to be absent allows himself to be paired, arbitrarily, with any other member seeking to make a pair. In this instance, the names of the members paired are reported, but their positions are not given.

PARLIAMENTARY GOVERNMENT A form in which the executive (prime minister and cabinet) is part of--and subordinate to--the legislature, as in the United Kingdom and, indeed, in most of the world. The executive retains power only so long as it has the support of a majority in the legislature (majority party or coalition). Loss of support topples the executive and calls for its replacement, without regard to its tenure in office. The system may or may not provide for a titular head of state in the person of a monarch or elected president, whose function it is to embody certain legal fictions around which the government is organized.

A *presidential* government is one in which the executive is independent of the legislature, and coequal with it. The obvious advantage of parliamentary government lies in the ability of the majority to enact its program. Tensions of the sort that exist when the President does not belong the majority party of Congress do not arise. The disadvantage of parliamentary government is its tendency toward instability, most evident in multi-party nations where clear majorities may not emerge with regularity. *See also* Federalism; Separation of Powers.

PARTY CAUCUS A closed meeting of the members of one party, in either house. Caucuses meet in January just before each Congress and session to make organizational decisions and elect their leadership, and occasionally during a session. In recent years, the Republicans have referred to their caucus as a *party conference*. Many decisions formally attributed to the full membership of the respective houses, such as committee membership and the election of the Speaker of the House and other leadership, are largely determined by committees in the party caucuses.

Each party organization has permanent steering committees, policy committees and campaign committees with professional staffs and regular publications. In addition, each party maintains a research staff (Democratic Study Group; Republican Study Committee) in both houses, to supply members with legislative information and policy materials. These groups work closely with the offices of the majority and minority whips. Although the party caucus cannot compel member acceptance of its decisions, it continues to be a powerful instrument of party discipline and coordination.

PARTY WHIP *See* Majority and Minority Whips.

PASS THROUGH In many federal programs, funding is allocated to state government agencies to redistribute or "pass through" to lower levels, retaining a portion for administration and sometimes for discretionary uses not governed by the programs's formula. Where local entitlement applies (Title I of ESEA, Impact Aid, Handicapped Education), local levels can calculate the sums they will receive with some certainty. This is in contrast to state plan programs, in which local funding is subject to many unpredictable barriers and conditions interposed by agencies on the state level. *See also* Local Entitlement.

PETITION A formal written request submitted to one or both houses by a citizens' group or other organization, asking for the consideration of some topic or policy, or favorable action on a piece of legislation. Petitions are referred to the appropriate standing committees. Thus, the First Amendment right to "petition for the redress of grievances" has become a much broader right to bring issues to the attention of Congress. *Compare* Memorial.

PLURALITY The margin by which the vote received by the leading candidate exceeds the vote for the next highest candidate, in a field of three or more candidates. While a plurality may be sufficient to carry an election, it may be substantially less than a majority, *q.v.*

POCKET VETO If Congress should adjourn during the ten-day period given the President for the consideration of an enrolled bill, he may withhold his signature and allow the bill to die, without explanation. If Congress remains in session, or should reconvene before the end of the ten-day period, the bill becomes law if the President does not sign. Federal courts have held that the pocket veto does not operate during short recesses. *See also* Veto.

POINT OF ORDER A question or objection raised by a member in either chamber as to the propriety of a motion or proceeding under the rules. The presiding officer must rule immediately, subject to an appeal to the members on the floor. Order is restored by suspending proceedings until the house conforms its conduct to the rules. At times, "point of order" has been used to delay or confuse the business of the house. Points of order may also be raised in committee. In the House, a special ruling of the House Committee on Rules may limit the number of points of order that may be raised in debate on a particular bill. When a chamber is in an uproar, which can happen, a member may raise a "point of no order."

POPULAR NAMES *See* Public Laws, Names and Numbering.

POWERS OF CONGRESS The Constitution defines the powers of Congress in Article I, Section 8. Included are the power to assess and collect taxes, often called the chief power; to regulate

commerce, both interstate and foreign; to coin money; to establish post offices and post roads; to establish courts inferior to the Supreme Court; to declare war; to raise and maintain an army and navy. Congress is further empowered "To provide for calling forth the Militia to execute the laws of the Union, suppress Insurrections and repel Invasions;" and "To make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other Powers vested by this Constitition in the Government of the United States, or in any Department or Officer thereof."

In most respects coequal, the Senate and House have certain special powers reserved to each of them under the Constitution. A large number of Presidential nominations to appointive office required the consent of a majority of the Senate, and all treaties, *q.v.*, must be approved by two-thirds of the Senate. All revenue bills must originate in the House. In practice, the House also originates appropriations bills, although this is not specified by the Constitution. Both houses act in impeachment procedings, the House having the power of impeachment (analogous to indictment), while the Senate sits as a court to try impeachments. Finally, if no person receives a majority of votes for President in the electoral college, the final election is decided by the House, with each state having one vote. This situation, which the framers of the Constitution thought would be frequent, has occurred only twice: in 1801, when the House chose Jefferson over Burr; and in 1825, when John Quincy Adams was selected rather than Andrew Jackson. *See also* Bill of Rights; Federalism; Implied Powers; Reserved Powers.

PRESIDENT OF THE SENATE The Vice President serves as presiding officer of the Senate. Not a member, he votes only in the event of a tie. *Compare* Speaker of the House.

PRESIDENT PRO TEMPORE The presiding officer of the Senate in the absence of the Vice President. The practice, for some time, has been to elect to this post the majority party senator with the longest continuous service. In the 97th Congress, the president *pro tempore* will be Senator Strom Thurmond (R-S.C.), replacing Warren G. Magnuson (D-Wash.). Thurmond, who dates his Senate service from 1954, was States Rights candidate for President in 1948. In the event of his own absence, the President *pro tempore* appoints another senator as acting *pro tem.* In the early days, the President *pro tempore* was held for act for the occasion only. Since 1876, they have served "until the Senate otherwise ordered." One senator often holds the position through several sessions. *Compare* Speaker of the House.

PRESIDENTIAL DOCUMENTS Presidential speeches, proclamations, news conferences, messages and other items made public by the White House are published in the *Weekly Compilation of Presidential Documents* and cumulated annually in the *Public Papers of the Presidents.* Executive Orders and proclamations having the force of law also appear in the daily *Federal Register.*

PREVIOUS QUESTION An original substantive issue which has been before the chamber, and which has been superseded by some other matter, typically the consideration of amendments. A motion for the previous question, if carried, cuts off debate and forces an immediate vote on the original issue.

The majority and minority floor leaders usually decide in advance how much floor time to spend on a bill. At any time, however, a member may "move the previous question," i.e., the bill itself. If adopted, the Speaker may give each side twenty minutes for further debate. Then, a vote must be taken. In the House, the "previous question" is the usual way in which a bill is brought to a vote. The motion also applies to amendments or other motions.

PRIVATE BILLS Bills for the relief of individuals or localities, as against public bills, which are meant to create general public laws. Very frequently, private bills are used to resolve immigration or naturalization problems for individual persons, or settle certain claims against the United States. The 1946 Legislative Reorganization Act bars the introduction of private bills for the payment of property damage, certain torts, and most pension claims, as well as bills for the correction of military records and the construction of bridges. Private bills are introduced and processed in much the same way as public bills.

PRIVATE CALENDAR In the House, private bills are referred to this calendar.

PUBLIC LAWS: NAMES AND NUMBERING Most recent statutes include an official "short title" by which they may be cited. In addition, many laws have acquired unofficial or popular

names such as the Taft-Hartley Act or the Homestead Laws. There is no requirement that a law have an official title. Many of our early statutes did not, and the practice has been dispensed with from time to time, even recently. The two enactments creating the Impact Aid program (which itself has had several names) were untitled, and are cited as P.L. 81-815 and P.L. 81-874. Well-known bills are likely to be named after their sponsors, even before they are enacted. The official title of a *bill*, however, is a brief descriptive phrase reading "An Act to establish [or authorize, provide] . . . , and other purposes." Printing this title in the *Congressional Record* accomplishes the first of the three parliamentary "readings" needed before a bill can be enacted.

Where substantial new authorizing language is added to an existing law by amendment, the new section may contain an official title for citation as an act in its own right. For example, Title V of the Higher Education Act of 1963 (added by amendment in 1967) may be cited as the Education Professions Development Act. Public laws are designated by the Congress in which they were passed, plus a sequential number indicating the order of enactment, e.g., P.L. 94-588, the last public law of the 94th Congress. Enactment refers to the point at which a law is signed by the President, passed by veto override, or allowed to take effect with signature.

QUORUM The minimum number of members required to be present for action to be taken in a legislative body. In both House and Senate, an absolute majority of members, *q.v.*, constitutes a quorum (51 in the Senate; 218 in the House, if there are no vacancies). If a quorum is not present, a house may adjourn, refrain from taking action or direct its Sergeant at Arms to round up some of the absentees. The presence of a quorum may be ascertained by a roll call. In 1890, Speaker of the House Thomas B. Reed instituted the practice of directing the clerk to add to the roll the names of those present in the chamber but refusing to answer ("disappearing quorum"). For most purposes short of final passage of a bill, a quorum is *presumed to exist*, and the presiding officer has no affirmative duty to test the issue unless a member "suggests the absence of a quorum," after which a roll call is mandatory. In committee, where a majority constitutes a quorum, less than a quorum may meet and hear testimony, but not vote.

QUORUM CALL When a vote is to be taken, members are summoned by a system of lights and bells in their respective office buildings. Ordinarily, they have fifteen minutes within which to cast a recorded vote, usually by electronic voting device, in the House.

READINGS OF A BILL English parliamentary practice, copied by our Congress, required that a bill should be read three times in the chamber before it could be passed. The printing and distribution of bills, and the press of business, has made this practice obsolete. Today, a bill has its first reading when it is introduced and printed by title in the *Congressional Record*. The second reading comes on the floor after general debate. The bill may be read section-by-section, and amendments may be offered to a section when it is read, to the extent permitted by the rule granted by the Rules Committee, if in the House. The third reading, usually by title, follows floor action on amendments, after which the "question is taken" on its passage. *See also* Previous Question.

RECALL An election through which voters may remove a public official before the end of his normal term. The first state to apply it to all offices was Oregon, in 1908. Today it is available in 13 states. Some 2,000 counties and cities in over three-fourths of the states also use the recall. A recall election is mandated when a specified proportion of the voters sign a recall petition, after which a general election is held on the question of removal. Recalls, which have been rare on the state level, are not uncommon among the counties and cities. The Mayor of Cleveland, Ohio, survived a recall election in 1978. *See also* Referendum and Initiative.

RECESS In contrast with adjournment, a recess does not end the legislative day and does not interfere with the continuation of business. The Senate makes frequent use of the recess, thus extending its legislative day over several calendar days. The House ordinarily adjourns from day to day. *Compare* Adjournment entries.

RECOMMIT A BILL A motion made on the floor to send a bill back to the committee reporting it, usually with the effect of killing the bill. In the House, this motion must be made by

a member opposed to the bill. The motion may direct the committee to report the bill with certain specific amendments by a stated date, or it may call for further study. After the previous question, *q.v.*, has been moved, it is in order to make one motion to recommit; a last chance for the opposition to prevail before a final vote.

RECONSIDER A VOTE A motion to reconsider a vote on the floor has the effect of suspending the action voted upon until the motion is disposed of. In the House, the motion must be made by a member who voted on the prevailing side. In the Senate, a member who voted on the prevailing side or who did not vote, may offer the motion to reconsider.

After a close vote in the Senate, a motion to reconsider may be made, followed by a motion to table the motion. In the House, a motion to reconsider is routinely made and tabled whenever a measure is passed, thus preventing reconsideration later on except by unanimous consent, and making passage effectively final and beyond challenge.

RECORDED VOTE A vote in which each member's position is made a matter of record, i.e., entered in the Journal and published in the *Congressional Record*. Also called a "roll call" vote. The Senate carries out a recorded vote by a roll call of the members, each answering "yes" or "no," or "present" if he prefers not to vote. Since 1973, the House has used an electronic voting device for quorum calls and recorded votes. Each member votes by inserting a personal computer card into one of more than forty terminals about the floor, and pushing the "yes," "no" or "present" buttons. The votes, by name, appear on several very visible illuminated panels. The Senate can complete a roll call in five minutes, and hasn't seen a need for an electronic system. A recorded vote may be demanded by one-fifth of the members present in either house. In most committees, any member can demand a roll call. Votes to override or sustain a Presidential veto must be recorded. *See also* Voting Procedures.

REFERENDUM AND INITIATIVE These procedures, together with the recall of public officials and the direct election of senators, were widely advocated several decades ago as part of a liberal and populist movement which sought to make government more responsive to the ordinary people. Although the direct election of senators became the law in 1913 (Seventeenth Amendment), the other proposals have not been adopted at the federal level.

Seventeen states provide for the proposal of amendments to the state constitution by the *initiative*. If petitions stating the proposal gain sufficient signatures, usually a percentage of the vote cast in a recent state election, the amendment is placed on the ballot in a coming election (usually part of a regular general election).

In twenty states, the initiative may also be used to propose ordinary statutes. If the petition collects enough valid signatures, the proposal either goes on the ballot (*direct* initiative) or to the legislature for its action (*indirect* initiative).

The *referendum* involves the submission or referral of legislative acts to the voters. There are three forms. In every state except Delaware, the legislature must submit proposed constitutional amendments to the voters in a *mandatory* referendum. If the legislature can decide, voluntarily, to submit measures to the voters, the procedure is called an *optional* referendum. These are rare. The *popular* referendum is found in twenty-four states, including the twenty with the statutory initiative. In the popular referendum, the voters may demand by petition that a measure enacted by the legislature be submitted to them for ratification.

REGIONS AND REGIONALIZATION Many federal agencies have found it appropriate to conduct a part of their business through regional offices, dividing the country into from five to a dozen geographical areas in accordance with their missions. Under President Nixon, a partially successful effort was made to conform agency regions to nine (later ten) standard areas. Properly implemented, this policy can improve accessibility and responsiveness.

Regionalization refers to the policy of transferring much program responsibility from the national to the regional level. Instead of serving as "field offices," the regions then take on much of the decision-making that was done in Washington. Because Washington is not really able to let go of its responsibilities under law, another layer of bureaucracy may be interposed between programs and their clients. A further weakness of regionalization is that the region is not, in itself, a coherent political entity. The trend has been reversed in recent years, and normal patterns of communication and authority are being reestablished.

REGULATION A rule made by an executive officer charged with the administration of a law, for the guidance of his agency and the persons and organizations affected. An official interpretation of a statute, detailing the steps to be taken in its administration and enforcement. Authorizing acts usually direct the agency head to develop implementing regulations.

Under the Administrative Procedures Act and Section 431 of the General Education Provisions Act, new or changed regulations must be published in the *Federal Register* and the public given time and opportunity to comment. The stages in the promulgation of a regulation are: (1) notice of intent to publish new or changed regulations, (2) proposed regulations, (3) revision following comment, and (4) final regulations. Only the latter have legal force.

RESCISSION Legislation enacted by Congress at the request of the President to cancel some previously-granted budget authority. Rescission amounts to taking back part of an appropriation and, possibly, terminating some authorized activity. Under the 1974 Congressional Budget and Impoundment Control Act, the President must submit a message explaining his reasons for the proposed rescission. If Congress does not approve the action within 45 days, the money may be expended. Small rescissions brought about by changed conditions are rather common. This may be contrasted with deferral, *q.v.*, which takes effect immediately and remains in effect unless Congress objects. Deferral postpones spending; rescission cancels part of an appropriation. *See also* Congressional Budget and Impoundment Control Act.

RESERVED POWERS Because the states are regarded as sovereign in a federal system, the Constitution reserves to the states those powers which are not granted to the national government and are not, at the same time, forbidden to the states. This is made explicit in the Tenth Amendment. It is under this power that the states establish school districts and other units of local government. *See also* Implied Powers; Separation of Powers.

RESOLUTIONS *See* Concurrent Resolution; Joint Resolution; Simple Resolution.

REVENUE MEASURES Bills to levy taxes (and a few other money makers, such as customs duties), which originate in the House, primarily in the Committee on Ways and Means. The Constitution states that "all Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose and concur with Amendments." As a matter of practice, the Senate also refrains from originating appropriations (spending) measures.

REVENUE SHARING The practice of redistributing or returning a part of the tax income of the federal government to the states and localities, in such a way as to offset fiscal inequities and compensate for relative declines in tax resources at the lower levels of government.

The rationale for revenue sharing is three-fold: (1) Federal tax receipts, based on the income tax, are believed to grow more rapidly than the economy as a whole, whereas state and local receipts, dependent on sales and property taxes, tend to lag behind the general economy and behind the cost of providing governmental services. (2) For various reasons, many areas do not have the tax resources to support services such as education at acceptable levels. (3) It is believed that fiscal assistance through revenue sharing serves to return decision-making responsibility to the state and local levels, since the uses of the money are not mandated.

The State and Local Fiscal Assistance Act of 1972, P.L. 92-512, authorized the distribution of $30.2 billion to states and localities over a five-year period. This program was extended in 1976, to provide an additional $25.6 billion through September 30, 1980. Restrictions on the use of funds for general education operating expenses were removed in 1975; however, funding continues to be limited to general purpose units of government, a policy which excludes independent school districts from direct participation.

RIDER An amendment, usually irrelevant, added to a bill so that opponents will have to accept the additional language or forego the bill: a device to embarrass the Administration or secure the passage of measure that could not pass by itself. At times, a provision that the President would prefer to reject can be "veto-proofed" by attaching it to an important bill that he cannot afford to veto. Riders are sometimes added to appropriations bills, in disregard of House and Senate rules against "legislating in a money bill." Since 1970, the House has been able to take a separate vote on Senate riders that would be non-germane under the rules of the House. *See also* Germaneness.

ROLL CALL Calling the names of members on the floor or in committee for a recorded vote, *q.v.*, or to ascertain the existence of a quorum, *q.v.*

RULE (1) A decision of the House Committee on Rules which, if adopted by a majority vote of the House membership, governs the manner in which a reported bill is to be debated and amended on the floor. (2) A standing regulation governing proceedings in either house, published in its compilation of rules and precedents. Rules in this sense may be created or modified by resolutions in either house, and reflect years of parliamentary experience.

Within the general framework of the Constitution, which offers little guidance for the internal operations of Congress, each house is free to adopt its own rules, elect its own officers, and seat and discipline its members. The House of Representatives adopts its rules anew when it reorganizes at the beginning of a new Congress. Since the Senate is organized as a continuing body, its rules are regarded as permanent. *See also* Congress, Discipline and Seating of Members; Powers of Congress; Rules Committee.

RULES COMMITTEE The House Committee on Rules has the duty to determine which of the standing rules of the House shall apply to a reported bill, or to propose "special rules" under which a bill may be brought to the floor out of its calendar turn. The refusal of the Committee to "grant a rule" may mean that a bill will not come to the floor.

A special rule takes the form of a resolution which, if adopted, remains valid until action is completed on the measure to which it pertains. A special rule may limit the time for debate, waive points of order, restrict amendments to those proposed by members of the committee reporting the bill, or bar them altogether. The committee reporting a bill has the right to recommend the form of the rule, but no authority over it.

The Committee on Rules has been able, at times, to prevent legislation from coming to the floor except on its own terms, or to block it entirely. If the Committee fails to report a rule on a bill, it is subject to a discharge petition, *q.v.*, but this is not often successful. Prior to 1910, the Speaker of the House also served as chairman of the Rules Committee, a combination that yielded great power.

Certain classes of bills come to the floor without special rules. Bills from the Consent Calendar of the House are considered on the first and third Mondays of each month, District of Columbia bills on the second and fourth Mondays, and private bills each Friday. On "Calendar Wednesdays" committee chairpersons may call up any bills their committees have acted on. In addition, some bills are "privileged" and may be called up at almost any time, interrupting consideration of other bills less privileged. Privileged bills include general revenue and appropriations measures, reports of conference committees and special rules. A vote to override a Presidential veto is highly privileged. In the Senate, bills are taken up out of calendar order in response to a motion on the floor. Rules of privilege, of course, exist in the Senate as well as in the House, and are generally similar. *See also* Closed Rule; Open Rule.

SALARIES *See* Congressional Salaries.

SEATING OF MEMBERS *See* Discipline and Seating of Members.

SECRETARY OF THE SENATE Chief administrative officer of the Senate (not a member), responsible for the direction of employees, education of pages, custody of the gavel, administration of oaths, attestation of bills and resolutions, registration of lobbyists and other tasks necessary to the operation of the Senate. Equivalent to the Clerk of the House.

SELECT OR SPECIAL COMMITTEE A committee created by simple resolution in either house, the jurisdiction of which is limited to investigating and reporting on a specific subject or bill, and which expires when that service has been completed. The Senate's Select Committee on Presidential Campaign Activities--Sam Ervin's Watergate Committee--contributed heavily to the downfall of a President. Others are less important. Their impermanence is relative, and some select committees have been in existence for at least a decade. Members are appointed by the Speaker of the House or the President of the Senate. In the House, select and special committees must be re-established each Congress.

Members of select and special committees are appointed by the presiding officers of their respective houses. At the opening of the 97th Congress in 1981, the Senate had select committees on ethics, Indian affairs, intelligence, and small business, and a special committee on aging. The House had select committees on aging, narcotics abuse and control, and the outer continental shelf, a permanent select committee on intelligence, and a committee on committees.

SENATORIAL COURTESY This expression, which does not derive from the traditional courtliness of senatorial demeanor, refers to a custom whereby majority members will not approve Presidential nominations (below Cabinet rank) if majority members from the nominees' states do not approve. This gives senators a degree of control over patronage in their states.

SENIORITY RULE With respect to committee assignments, the custom in both houses is that a member who has served on a committee in previous Congresses is entitled to reappointment, and to enjoy rank in accordance with his years of continuous service. The majority member with the longest service is likely to be named chairman, although the party caucus doesn't always follow this rule. Subcommittee assignments and chairmanships, usually governed by committee chairmen, are normally based on seniority together with the preferences of the members. Among members who entered Congress at the same time, weight is given to previous service in elective office (as governor, state legislator, or member of the opposite house; not lower).

Almost everything of value in Congress, from political power to matters of mere convenience or access to facilities, is governed by seniority. The concomitant loss of seniority makes censure an effective disciplinary device. Most of the rebellions leading to reforms in Congress have been, to some degree, attacks on the "gerontocracy" created by the seniority system. Since 1971, the Senate Republican caucus has chosen the ranking GOP committee members by secret ballot, but even this has not eliminated seniority as a crucial factor.

SEPARATION OF POWERS The allocation of lawmaking, law-enforcing and law-interpreting functions to the Legislative, Executive and Judicial Branches, so as to create internal limitations on arbitrary governmental actions and the concentration of power in one office or person. Based on colonial experience and observation, the principle of separation of power underlies our system of checks and balances, whereby each instrumentality of government finds its power offset by the countervailing power of another.

The separation is not complete, each branch exercising powers characteristic of the others in important instances The Executive Branch proposes legislation to Congress, and regulatory agencies sit as courts with special jurisdictions. Congressional investigating committees have some quasi-judicial powers. Courts, as we know, tend to legislate. In the opinion of some authorities, this very ability to cross over with respect to powers provides the mechanism through which each branch becomes able to check and balance the others. *See also* Implied Powers; Powers of Congress.

SIMPLE RESOLUTION Either house may initiate and adopt a simple resolution concerning its own internal operations without the action of the other and, of course, without Presidential approval. Simple resolutions are designated "H. Res." or "S. Res.," with sequential numbers. If adopted, they are published in the *Congressional Record* and entered in the Journal.

SLIP LAW First publication of a law, the text usually appearing in pamphlet form within a few days of enactment. Since 1951, slip laws have been printed by photo-offset from the enrolled bill, *q.v.*, thus assuring accuracy. Slip laws may be obtained from the document room of either house, or from the Government Printing Office, singly or by subscription. At the end of each session, slip laws are cumulated in the *United States Statutes at Large*.

SPEAKER OF THE HOUSE Presiding officer of the House of Representatives. The Speaker rules on questions of order; appoints chairmen of the Committee of the Whole; signs acts, warrants, subpoenas and orders of the House; appoints conference and special committees; and appoints the parliamentarian and other officials. He is first among the House leadership, and falls immediately after the Vice President in the Presidential succession. Prior to the "congressional revolution" of 1910-11, the Speaker appointed all standing committees and was chairman of the Committee on Rules, a combination that went far to justify Speaker Reed's observation that his position was the "highest in the gift of the Republic."

Unlike the President of the Senate (Vice President), the Speaker is an elected member of his house and is the leader of his party on that side of the Congress. He may vote, but by custom rarely does so, except to break or create a tie. The Speaker is elected by the membership of the House (actually, by the caucus of the majority party), at the opening of each Congress. At the beginning of the 97th Congress in 1981, Thomas P. O'Neill (D-Mass.) was reelected as Speaker. *Compare* President of the Senate.

SPECIAL RULES *See* Rules Committee.

STANDING COMMITTEES Permanent committees provided for by House and Senate rules, and having among them explicit jurisdiction over nearly the whole possible subject matter of legislation. The Legislative Reorganization Acts of 1946 and 1970 reduced the number of House and Senate standing committees from 48 and 33, to 21 and 17, respectively. At the close of the 94th Congress, there were 22 and 18, with the addition of the new budget committees. At the beginning of the 95th Congress, in 1977, the Senate carried out a sweeping reorganization under S. Res. 4, cutting the total number of committees of all kinds, including select and special committees. However, the same reorganization greatly increased the number of subcommittees, to such an extent that every majority senator holds at least a subcommittee chairmanship, with a few left over for minority members. *See also* Committee entries; Select and Special Committees.

STANDING VOTE A vote taken on the floor by calling on the individual members to stand and be counted, for or against, by the presiding officer. Individual positions are not recorded. In the House, the number of members for and against are announced and recorded; in the Senate, the usual practice is to announce the outcome only. In the House, any member who thinks the Speaker may have erred in judging the outcome of a voice vote may call for a standing vote, technically known as a "division of the House." The practice is rare in today's Congress. *Compare* Recorded Vote.

STRIKE FROM THE RECORD A member of the House may move to have remarks offensive to him expunged from the record, so that they will not appear in the *Congressional Record*. The offending words will be "taken down" for the cognizance of the Speaker--and there is no guarantee that they will not turn up in the press. If a senator is called to order for words uttered in debate, the exceptionable language will be taken down and "read at the table," if any member so demands. *Compare* Correcting the Record.

STRIKE OUT THE LAST WORD A *pro forma* motion, usually granted by the Speaker without a vote, whereby a member may continue to speak for a short time on the measure under debate.

SUBSTITUTE An amendment or entire bill introduced to supplant the measure then on the floor by replacing all of the text following the enacting clause, *q.v.* Substitutes, if adopted, are equally subject to amendment.

SUNSET LAW A law requiring specified agencies, or groups of agencies with related functions, to terminate their existence at the end of a stated period and then justify their continuation before Congress.

SUNSHINE LAW A law or regulation requiring the deliberations of a legislative or administrative body to be open to the press and public, unless considerations of privacy or security dictate otherwise. Committee meetings in the House and Senate have been open since 1973 and 1975, respectively. A "government in the sunshine" law signed in 1976, P.L. 94-409, applies to agencies headed by commissioners appointed by the President, thus including most of the powerful regulatory agencies. "Open record" laws require the transcripts, but not necessarily the meetings themselves, to be open to the public. At present, every state has an open meeting or open record law.

SUPPLEMENTAL APPROPRIATION An appropriation passed out of the normal order (1) to defray unanticipated or extraordinary expenditures, or (2) to fund activities authorized too late for the normal budgetary deadlines. Supplementals are public laws and require the signature of the President. *See also* Continuing Resolutions.

SUSPENSION OF THE RULES A temporary abrogation of the rules of the House, in order on the

first and third Mondays and in the last six days of a session, used to expedite legislation. The usual motion, by any member, is: "I move to suspend the rules and pass" the bill. Debate under suspension is limited to 40 minutes, divided between those in favor and those against. No floor amendments are in order. If the motion is adopted, the bill has passed the House. If it fails, the bill may be taken up later in normal order. *See also* Consent Calendar.

TABLE A MEASURE A majority can suspend consideration of any pending measure by a motion to table. Tabling usually amounts to a final and adverse disposition of a bill. When a measure is tabled, a vote of two-thirds is required to return it to the floor. An amendment may be tabled without prejudice to the bill itself. Tabling may also take place in committee, with the same fatal effect. The Senate allows a motion to "lay on the table," a less drastic action which has the effect of preserving the bill for later consideration.

TERMS OF OFFICE *See* Congress, Terms of Office.

TRANSITION QUARTER *See* Fiscal Year.

TREATIES AND OTHER INTERNATIONAL AGREEMENTS Constitutional law recognizes three types of international agreement: (1) the *treaty*, a multinational or binational compact that must be approved by a two-thirds vote in the Senate; (2) the *congressional--executive international agreement*, entered into under a statute passed by Congress or a pre-existing treaty; and (3) the *executive agreement*, negotiated by the President under his authority as Chief Executive or commander-in-chief. The use of the executive agreement has increased significantly since the 1940s, particularly for routine matters. This trend has been decried as part of a tendency for the Executive to usurp the powers of Congress, since executive agreements do not require senatorial approval. However, they may be submitted for the approval of both houses (by simple majority) when appropriations are needed to implement them.

Strictly, the Senate does not "ratify" a treaty. The Constitution requires "advice and consent" by the Senate, after which the President ratifies the instrument. Treaties (and other agreements) have the same standing as acts of Congress and take precedence over state laws and earlier federal laws.

TRUST FUNDS Tax monies held by the federal government, as trustee, for specific purposes such as Social Security or highway construction. Receipts held in trust are not ordinarily available for the general purposes of government, but may at times be applied to uses related to the purposes of the trust. Legislation has made it possible to use part of the highway trust fund, built up from gasoline taxes, for certain transportation-related activities.

UNANIMOUS CONSENT In either house, noncontroversial motions, amendments or bills may be passed without a vote if no member raises an objection from the floor. "Without objection" is a synonym for unanimous consent. The same practice exists in committee deliberations.

UNION CALENDAR A calendar of the House which includes all revenue bills, general appropriations bills, and bills of a public character directly or indirectly appropriating money or property, i.e., all bills that must receive their first consideration in the Committee of the Whole House on the State of the Union. *See also* Committee of the Whole.

UNITED STATES CODE An official compilation of the permanent and general laws of the United States, codified under 50 titles. The first six deal with general and political matters. The remaining 44 are alphabetized from Agriculture to War. The *Code* is supplemented after each session of Congress and revised every six years (last revision 1970; they run a little behind). The privately-distributed *United States Code Annotated* combines the same statutory materials with historical notes, court decisions and rulings of the Attorney General.

UNITED STATES STATUTES AT LARGE An official series containing the public laws passed in each session of Congress, chronologically arranged. Essentially an indexed binding of the slip laws, *q.v.*, this series does not show how previous laws are affected. The *Statutes at Large* constitute legal evidence of the law. *Compare* Compilation; United States Code.

UPPER AND LOWER HOUSES The Senate and the House of Representatives, respectively. Inasmuch as the houses of Congress are equal in dignity and in their ability to initiate, debate and

act upon legislation, it may seem inappropriate to refer to them as "upper" and "lower" houses, particularly since their members are now elected by the same body of voters. The authors of the Constitution apparently relied on the Senate, with its propertied members elected by state legislatures, to curb the democratic ebullience of the House, but that was then. The Senate, today, with its relatively loose system of rules, often seems the more given to "ebullience." A modern theory is that the Senate represents the states as such, while the House represents the people more directly; a distinction with little practical importance. *See also* Congress, Composition of House and Senate.

VETO The right of the President to return a bill or joint resolution unsigned to the house of origin, with a written statement of his objections thereto, within ten days of its delivery to him after its passage by Congress, thereby preventing it from becoming law unless it can be re-passed over his veto. The ten-day period excludes Sundays and holidays, but not Saturdays. *See also* Pocket Veto; Veto Override.

VETO OVERRIDE If the President returns a bill unsigned and with his objections stated in writing within ten days of its delivery to him, it does not become law unless Congress can re-pass it with a recorded vote of two-thirds in both houses. The bill is sent by the President to the house last to vote on it. Privileged, the override attempt is voted on immediately and, if the requisite vote is obtained, is referred to the other house for its action. In the two years of the 96th Congress, President Carter vetoed 12 bills and was overridden only twice. *See also* Pocket Veto.

VICE PRESIDENT *See* President of the Senate.

VOICE VOTE A procedure whereby members of a house answer "aye" or "no" in unison, and the presiding officer judges the outcome by ear. One-fifth of a quorum in either house may unite to demand a more precise form of balloting on the floor. In committee, where the voice vote is frequently used, any individual member may demand a roll call.

VOTING PROCEDURES The House now uses three methods for taking votes on the floor. In committee, voting practices are usually limited to voice votes and roll calls. According to most committee rules, roll call or recorded votes may be demanded by any member. The voting procedures used by the House are these:

(1) *Voice votes* are the most frequent. All those in favor answer "aye," in chorus, followed by the "no" votes, also in unison. The presiding officer decides by ear.

(2) If any member thinks the chairman or Speaker has erred in judging a voice vote, he may demand a *standing vote*, technically known as a "division of the House." All in favor, and then all opposed, stand and are counted by the Clerk.

(3) A *roll call vote*, also known as a *recorded vote*, may be taken if the measure is of importance, or it may be demanded by one-fifth of the members present and constituting a quorum.

Prior to 1973, when electronic voting equipment was installed, the House used yet another method, the *teller vote*. Upon demand by one-fifth of the members, the members voting filed between two tellers, one from each party, and were counted for or against. The Senate has never used this method. The Constitution requires a recorded vote to override a Presidential veto, and in impeachments. The House rules also require a recorded vote whenever a member objects to a non-record (voice or standing) vote taken when a quorum was not present. Senate voting procedures are similar to those of the House, but simpler, and the Senate reportedly makes less use of the standing vote.

WHIP *See* Majority and Minority Whips.